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Examining Relationships Between Coal Characteristics and the Performance of TVA Power Plants

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Interim Report
November 1980

Battelle
Columbus Laboratories

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EXAMINING RELATIONSHIPS BETWEEN COAL CHARACTERISTICS AND THE PERFORMANCE OF TVA POWER PLANTS

INTERIM REPORT
November 1980

by

Richard E. Barrett and Gregory A. Mack
Battelle-Columbus
Columbus, Ohio
and
Elmer C. Holt, Jr.
Hoffman-Muntner Corp.
Silver Springs, Maryland

for

Tennessee Valley Authority
Energy Demonstration and Technology Division
Chattanooga, Tennessee

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SUMMARY

In March 1979, Battelle began a study for TVA to examine relationships between coal characteristics and performance of TVA power plants. The following measures of power plant performance were deemed to be of interest:

- boiler capacity
- boiler availability
- efficiency
- operating costs
- maintenance costs.

The Hoffman-Muntner Corporation has assisted Battelle in this program, first under a separate DOE contract and later under a subcontract to Battelle.

Battelle's contract includes the following major tasks:

Task 1: Assemble and organize coal data
Task 2: Assemble plant performance data
Task 3: Assemble plant design data
Task 4: Examine relationships between coal data and plant performance data
Task 5: Determine needs for additional coal data and plant performance data
Task 6: Prepare final report

The scope of the initial effort was defined to emphasize the acquisition of data (Tasks 1, 2, and 3)--it was necessary to assemble a bank of data on TVA coals, power plants, and power plant performance before an effort could be made to determine relationships between coal and its performance in the power plants.

Thus, as planned, the combined efforts of Battelle and Hoffman-Muntner during most of 1979 concentrated on data collection. Visits were made to numerous TVA offices in Chattanooga and Knoxville, and to five TVA power plants, and much data were collected. Among these TVA data were:

- coal analyses
  - monthly bunker proximate analyses for all TVA units
  - grindability data from several TVA units
  - all detailed coal analyses from the "trace metals study" of 1977

  - all other detailed coal analyses in the files of the analyses group at the Power Service Center
  - other special analyses available at TVA plants
  - quarterly proximate analyses summaries of delivered coal for a few periods
- Plant design
  - extensive data on all TVA units
- Plant performance
  - complete outage data
  - detailed reports on selected outages
  - records of part replacement at selected plants
  - frequency of repair data for selected plants
  - maintenance costs records for all plants
  - personal interviews with staff at 5 plants.

As part of the data collection efforts, the Battelle/Hoffman-Muntner team visited 5 TVA power plants--Bull Run, Cumberland, Paradise, Shawnee, and Widows Creek.

Additional data that were collected included:

- Coal analyses
  - coal analyses from several TVA coal suppliers
  - analyses on TVA coals from B&W and CE
- Plant design
  - data from B&W and CE.

Two of these data categories contained so many items of data that the only practical means of utilizing the data were through computer techniques. Thus, the monthly bunker coal analyses were converted to a computer file, and the outage data was obtained on a computer tape from TVA and made operational on Battelle's computer.

In early 1980, the emphasis shifted to examination of collected data in an effort to begin to determine coal/power plant relationships (Task 4). Battelle first concentrated most of its early effort on the two largest batches of data--the outage data and the bunker analyses, and has considered all TVA units. More recently, Battelle shifted efforts to examining other aspects of plant performance. Hoffman-Muntner has concentrated on examining the relationship between maintenance costs for 10 plants and coal data (as supplied from the Battelle computer file).

In spite of the fact that much data are available, it must be recognized that TVA's data system was not designed with this study in mind. Hence, the preferred data were not always available. Thus, we found ourselves trying to make the most of the available data, but this was not unexpected.

Initial Results

The program described in this interim report will eventually examine a variety of plant performance parameters including those listed earlier and subsets of those parameters--e.g., slagging deratings and outages as a subset of availability, sootblower steam use as a subset of operating costs, carbon in fly ash as a subset of efficiency, etc. This report presents only the initial results in a few areas. More extensive results will be reported as they develop.

Some of the plant performance parameters that have been the subject of analysis to date include heat rate, boiler efficiency, unit capacity, boiler availability, slagging outages, and maintenance costs. A few initial results for each of these areas are summarized below.

Heat Rate and Boiler Efficiency

Gross heat rate showed a tendency to increase and boiler efficiency showed a tendency to decrease with increases in coal ash, moisture, and ash plus sulfur. Neither heat rate nor boiler efficiency showed tendencies to deteriorate as coal sulfur increased.

The tendency of heat rate to increase as coal ash, moisture, and ash plus sulfur increased was reflected by 15, 14, and 13 groups of units, respectively, from a total of 17 groups of units. The increases in heat rate, for those groups of units showing increases in heat rate with coal properties, were 60, 137, and 54 Btu/kWhr, for coal ash, moisture, and ash plus sulfur, respectively.

Boiler efficiency tended to decrease with increasing coal ash, moisture, and ash plus sulfur for 16, 14, and 16 groups of units, respectively, from a total of 17 groups of units. The average decrease in boiler efficiency attributed to increases in coal ash, moisture, and ash plus sulfur were 0.10, 0.25, and 0.08, respectively.

Boiler efficiency showed a slightly stronger relationship to coal properties than did heat rate. This might be expected as the boiler efficiency term does not include steam turbine and/or electric generator effects, as does heat rate.

Unit Capacity

Unit capacity, as measured by the peak load carried by the unit on an annual basis, showed a definite trend to decrease as coal ash and coal ash plus sulfur increase, but the relationships are not statistically strong. Thirteen of 17 groups of units showed peak load decreasing with increasing coal ash, with these units showing an average loss of peak capacity of 0.64 percent for each one percent increase in coal ash. Twelve of 17 groups showed a similar relationship to coal ash plus sulfur, with peak capacity decreasing by 0.54 percent for each one percent increase in coal ash plus sulfur.

Unit capacity showed little relationship to coal sulfur.

Boiler Availability

Boiler availability shows a weak relationship to coal ash and no relationship to coal sulfur and coal ash plus sulfur. Ten of 17 boiler groups showed boiler availability decreasing as coal ash increased, with boiler availability decreasing by 1.2 percent for each 1 percent increase in coal ash.

Slagging Outages

Slagging outages have received considerable attention because, for a given unit, the slagging problems are expected to relate strongly to coal characteristics. Boiler load also affects slagging, but a given unit frequently sees a similar load profile over many years.

The relationship between slagging troubles (outages) and coal ash is important in that at least one major "slagging factor"--that of Attig and Duzy(1)*--does not include a coal ash term.

For many TVA units, it was determined that slagging problems were experienced during a larger percentage of the months in which coal ash was at higher values than for months at which ash was at lower values. When coal ash met design values, one or more slagging outages occurred in only 9 percent of the months. When coal ash exceeded 120 percent of design values, at least one slagging outage was experienced in 42 percent of the months.

Slagging appeared to decrease with increasing coal sulfur, but this is questionable based on generally accepted slagging/coal sulfur relationships. More likely, additional analysis will show that the drop in coal sulfur during a period of increasing coal ash gives an invalid result.

Finally, increasing the monthly average firing rate has not been shown increase the likelihood of slagging problems, although firing rate was expected to influence slagging tendencies.

Maintenance Costs

The results indicate that, according to design rules developed in accordance with generally accepted statistical practices, correlations do exist between many portions of the coal-fired plant items examined and coal quality parameters. The degree of correlations varies significantly among the individual portions of a particular plant, as well as among the various plants. However, the indicators are sufficient to confirm that a change (within the design constraints of the unit) in the ash and/or sulfur content of the coal being fired in a utility boiler will have a proportionate effect on the maintenance cost at the plant. In the cases examined thus far, each percent variation in ash content could have a monetary effect of from $0.05 to $0.10 per ton of coal consumed. Similarly, each percent variation in sulfur content could influence maintenance costs from $0.30 to $0.50 per ton of coal.

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*Numbers refer to references listed on Page 105.

Since these values are based on preliminary analysis of limited data, they must be approached with caution and not removed from this context in which they are presented.

The results of a portion of Hoffman-Muntner's effort through June 1980, have been presented in their report "Effect of Coal Quality on Maintenance Costs at Utility Plants"(2).

Publications

One publication has resulted from this program to date, as follows:

- "Examining Relationships Between Coal Characteristics and the Performance of TVA Power Plants, Part 1: Approach and Some Early Results", Richard E. Barrett, Elmer Holt, Jr., Randy M. Cole, and Robert L. Frank, presented at 1980 Joint Power Generation Conference, September 28 - October 2, 1980, Phoenix, Arizona, 15 pages.

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Although too many persons at TVA have contributed to our data collection efforts to be cited individually, the authors wish to acknowledge the support, encouragement, and assistance provided by the TVA Project Managers, originally Randy M. Cole and subsequently Robert L. Frank. Special thanks are due to DOE Project Officers Richard E. Hucko and John Wizzard for their encouragement and support.

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INTERIM REPORT

on

EXAMINING RELATIONSHIPS BETWEEN COAL CHARACTERISTICS AND THE PERFORMANCE OF TVA POWER PLANTS

R. E. Barrett, E. C. Holt, Jr., and G. A. Mack

BACKGROUND

The characteristics of coal fired in central station power plants can have a significant effect on station performance. Among the performance parameters affected by coal characteristics (or coal quality) are:

- unit efficiency
- boiler/plant capacity
- boiler/plant availability
- plant operating costs
- plant maintenance costs.

The coal characteristics that are likely to have an impact on these plant performance parameters include:

- heating value
- sulfur content
- ash content
- grindability
- ash composition
- mineral forms
- ash fusion temperature
- flow characteristics of coal-ash slag.

Some relationships between coal characteristics and plant performance are relatively simple and well known. For example, increased coal moisture values cause increased stack heat losses and, thus, reduce plant efficiency.

Other relationships are more complex and less direct; that is, plant performance parameters are related to coal quality through one or more potential problem areas of boiler or plant operation (Table 1). For example, the problem of furnace wall slagging can adversely affect unit efficiency

Common Measures of Coal Quality	affects	Potential Problem Areas	affects	Plant Performance Parameters
Heating Value		Coal Handling		Unit Efficiency
Sulfur Content		Pulverizer Capacity		Boiler Capacity
Ash Content		Pulverizer Wear		Boiler Availability
Moisture Content		Furnace Wall Slagging		Plant Operating Costs
Grindability		Wall-tube Corrosion		Plant Maintenance Costs
Ash Composition		Bottom-Ash Hopper Pluggage		
Mineral Forms		Convection-Pass Fouling		
Ash Fusion Temperatures*		SH/RH-tube Corrosion		
		SH/RH/Econ-tube Erosion		
		Air Preheater Corrosion		
		ESP Performance		

* Ash fusion temperature is not independent of ash analysis; however, it will be considered as a separate entry because ash fusion temperatures are frequently reported when other data (e.g., ash analysis) are not given.

TABLE 1. RELATIONSHIPS OF COAL QUALITY, POTENTIAL PROBLEM AREAS, AND PLANT PERFORMANCE PARAMETERS

(requiring operation at high excess air to reduce slagging), boiler capacity and availability (limiting load), operating costs (increasing wall blowing), and maintenance costs (erosion of tubes caused by increased wall blowing). Looking further, it can be determined that coal quality (ash content, ash composition, mineral forms and ash fushion temperature) is a major factor affecting slagging. Thus, one of the most dramatic effects of changes in coal quality on unit operation is expected to be through its effect on wall slagging (illustrated in Table 1). Other factors (or potential problem areas) relating coal quality to plant performance parameters include:

- coal handling
- pulverizer capacity
- pulverizer wear
- wall-tube corrosion
- bottom-ash hopper pluggage
- convection pass fouling
- SH/RH-tube corrosion
- SH/RH/Econ-tube erosion
- air preheater corrosion
- ESP performance.

In some cases (e.g., moisture and heat loss, grindability and pulverizer capacity), there are fairly well known relationships between coal characteristics and performance of the power plant component affected. Unfortunately, the relationships between coal properties and many of the potential problem areas are unknown, or are expressed by widely used, but suspect, empirical relationships.

If more precise relationships could be found between coal characteristics and plant performance parameters, it would be of value to TVA and other utility systems. Such relationships would enable the prediction of plant performance as affected by firing various coals. Thus, coal purchase specifications could be written to avoid "bad" coals, purchased coals could be allocated within the system to plants capable of firing the particular coals (e.g., coals of greater slagging potential to boilers with larger furnace volumes per unit fuel consumed), the values of various coals could be compared to price differentials, and the benefits of coal washing on plant performance could be evaluated.

However, it is difficult to accurately forecast the performance of various coals in power plants because power plant performance is affected by noncoal factors as well; specifically boiler design and boiler operation and maintenance can influence boiler performance as much as coal quality. For example, a unit designed to have a higher combustion intensity is more likely to experience slagging caused by higher gas temperatures. Also, considering boiler operations, if burner tilt and excess air are not properly controlled, wall slagging and bottom-ash hopper pluggage can cause unit shutdown.

As a result of their concern for the issues described above, TVA engaged Battelle-Columbus to conduct a study to assess the feasibility of characterizing TVA coal supplies and relating coal characteristics to performance of TVA power plants. Battelle conducted the above study and determined that the data base appeared sufficient to believe that a project to relate coal charateristics to performance of TVA power plants would produce useful results. TVA subsequently engaged Battelle-Columbus to conduct such a study.

At about the same time, the U.S. Department of Energy, through its Pittsburgh Mining Technology Center, was funding a program with the Hoffman-Muntner Corporation to assess the economic benefits of coal cleaning on power plant costs. It was determined by TVA and DOE/PMTC that these closely related projects should be conducted on a team basis, and Battelle and Hoffman-Muntner have, thus, worked jointly on this program. Upon the expiration of the DOE/Hoffman-Muntner contract, Battelle engaged Hoffman-Muntner as a subcontractor on the TVA program so as to keep the project team intact. A portion of the funding for this program is provided by DOE/PMTC to TVA through interagency-transfer.

OBJECTIVE

The objective of the program described in this report is to determine if relationships exist between coal characteristics and power plant performance, and to determine the nature of the relationships. Specially emphasis was directed to relationships between coals fired in TVA power plants and the performance of those power plants.

The specific objectives of the effort covered by this report were (1) to acquire relevant TVA coal and power plant data and construct data files, and (2) to begin to correlate and interpret the data from the files so as to understand past performance of the TVA plants as it relates to coal characteristics. The program is continuing with essentially all of the current effort being placed on searching for additional coal/power plant performance relationships.

RESEARCH APPROACH

The research approach that has been used in the conduct of this program includes the following major tasks:

Task 1: Assemble and organize coal data
Task 2: Assemble plant performance data
Task 3: Assemble plant design data
Task 4: Examine relationships between coal data and plant performance data
Task 5: Determine needs for additional coal tests and analyses
Task 6: Document results with reports.

Each of these major tasks is discussed in the following paragraphs.

During the first half of the period described by this report, the emphasis was placed on Tasks 1 through 3 -- the data collection efforts. Once a useable data base was established, more of the effort was shifted to Task 4. Thus, at the time of this report, major portions of Tasks 1, 2, and 3 are virtually complete, although some gaps remain to be filled. Important portions of the Task 4 effort have been completed, but much of Task 4 remains to be done. Tasks 5 and 6 receive attention as needed.

Task 1: Assemble and Organize Coal Data

The initial activity involved assembling, from various sources, relevant coal data and organizing the data into a file that could be readily used. The task was divided into subtasks, as follows:

1.1: Determine coal data of interest and plan coal data acquisition activities
1.2: Design coal data computer file
1.3: Obtain coal data information from TVA sources
1.4: Supplement above coal data with information obtained from other sources
1.5: Incorporate coal data into a computer file.

Task 2: Assemble Plant Performance Data

As a parallel activity to establishing the coal data file, Battelle and Hoffman-Muntner sought out and assembled plant performance data relevant to coal quality considerations. Important plant performance data generally relate to one (or more) of the following plant performance parameters:

- boiler/plant capacity
- boiler/plant availability
- unit efficiency
- plant operating costs
- plant maintenance costs.

Task 2 was divided into the following subtasks:

2.1: Determine plant performance data of interest
2.2: Obtain plant performance data from TVA
2.3: Incorporate plant performance data into a computer file(s).

Subtask 2.1 consists of determining the plant performance data of interest, and consists of the following:

- Identify Capacity, Availability, and Outage Data of Interest. Only a fraction of the plant outage/availability data are of interest; specifically, the data related to coal-induced outages. Examples include outages caused by slagging, fouling, external corrosion, "poor" coal, etc.

- Identify Other Technical Data of Interest.
- Develop Approach to Costing Make-up Power.
- Identify Operating Cost Categories of Interest.
- Identify Maintenance Cost Categories of Interest.
- Select Operating Cost Categories for Detailed Analysis.
- Select Maintenance Cost Categories for Detailed Analysis.

Subtask 2.2 consists of obtaining the plant performance data determined to be of interest in Subtask 2.1. It consists of the following:

- Collect Data on Unit Capacities, Availabilities, and Outages.
- Collect Data on Performance of Specific Plant Equipment.
- Collect Data on TVA System Make-up Power Costs.
- Collect Operating Cost Data.

To facilitate data handling and correlation efforts, it was necessary to enter the plant performance data into computer files. The plant performance computer files are parallel files to the coal data file. To reduce time and costs of data manipulation wherever possible, attempts have been made to obtain the available data directly in computerized form (e.g., magnetic tape and/or cards).

Task 3: Assemble Plant Design Data

A third (and smaller) data gathering activity involved assembling of plant design data. Boiler design data are important because firing the same coal in different power plant units will generate different degrees of problems, or lack of problems. Especially important are data on (1) the design coal and its characteristics, and (2) furnace design parameters (heat release per square foot plan area, heat release per cubic foot, etc.).

Task 3 consisted of the following subtasks:

3.1: Determine design data of interest
3.2: Assemble design data on TVA plants

Task 4: Examine Relationships Between Coal Data and Plant Performance Data

Task 4 consists of the examination of relationships between coal data, plant performance data, and economic data and makes the transition between input (data gathering) activities and output (result generation) activities. As such, Task 4 is the most technically challenging part of the program, and the success of the overall program hinges on the success of Task 4 activities.

The major activities of this task consist of the following subtasks:

4.1: Develop general correlations between coal characteristics and plant performance.

4.2: Examine published relations of coal characteristics with specific plant parameters.

4.3: Develop new relationships between coal characteristics and specific plant parameters.

4.4: Integrate make-up power costs into the analysis of the impact of coal characteristics on capacity, availability, and outages.

4.5: Relate operating cost data to coal/power plant performance relationships.

4.6: Relate maintenance cost data to coal/power plant performance relationships.

4.7: Develop models for relating coal characteristics, power plant performance, and costs.

Task 5: Determine Needs for Additional Coal Data and Plant Performance Data

Task 5 considers the completeness and adequacy of the TVA coal and plant performance data in view of the efforts conducted on the program. This task is being conducted in parallel with Tasks 1 through 4 so that meaningful gaps in available data are identified. (It is always easy to suggest that more data should be available, but economics dictate that such suggestions be limited to data that will be meaningful to accomplishing TVA's objectives. Thus, although data gaps appeared evident early in the program, there is the need for conducting Task 5 as a continuing effort on the program.)

The recommendations that originate from the Task 5 efforts are of three kinds:

- Recommendations for conducting additional coal analyses on an occasional or continuing basis using presently known analytical techniques (e.g., analyze and preserve data for coal ash elemental analysis by ASTM techniques)
- Recommendations for the development of new coal quality evaluation tests (e.g., a new test to evaluate a slagging index)
- Recommendations for recording additional data on plant performance.

Task 6: Document Results with Reports

Task 6 consists of the preparation of reports relating progress on, and conclusions of, this research program.

DATA COLLECTION

The major activity conducted during the early stages of this program was the collection of data on coal, power plant performance, cost of power plant operation and maintenance, and power plant design.

Data collection efforts extended to various TVA offices in Chattanooga where coal, plant performance, outage, and costs records were obtained; to TVA Design Group in Knoxville where power plant design data were obtained; to the Chickamauga Power Service Center where coal analysis data were obtained; and to the TVA Control Center near the Chickamauga Dam where load distribution was discussed. Additional data collection efforts included visits to five TVA power plants as follows:

- Bull Run
- Cumberland
- Paradise
- Shawnee
- Widows Creek.

The data obtained as a result of the data collection efforts is reviewed in the following paragraphs.

Coal Data

An early activity on this program involved assembling, from various sources, relevant coal data and organizing the coal data into a file that could be readily accessed. Coal data were sought from TVA sources, coal suppliers, boiler manufacturers, and others. The following paragraphs describe these data sources and the data that was obtained from each.

Bunker Samples

Bunker coal samples are collected and analyzed on a regular basis for all TVA power plants. The bunker samples consist of integrated coal samples collected during 7- or 8-day "bunker periods". The sample integration may be achieved by continuous sampling over many hours, or by compositing a large number of grab samples. The bunker samples are useful in that they represent the coal actually being fired in the boiler.

Bunker coal samples are analyzed by the proximate analysis techniques and for heating value and sulfur. Results of these analyses are reported for each bunker period on "Steam Plant Operating Statistics" forms, together with other boiler data. Coal analyses are reported for each unit, for groups of similar units at a plant, and for the entire plant by compositing on a weighted average basis.

Monthly coal analyses are calculated (on a weighted average basis) from the four bunker period coal analyses for each unit and each group of units.

Annual coal analyses are calculated (on a weighted average basis) from monthly coal analyses for each unit and each group of units.

Battelle obtained copies of monthly Steam Plant Operating Statistics for all TVA units and extracted the coal analysis data and data on quantity of coal fired each month in each unit. These data were key punched on computer cards and converted to a computer tape file whereby individual data or weighted average coal analyses for groups of units or multi-month time periods can be extracted.

The monthly bunker coal analysis file has been the primary source of coal data used in correlation efforts to date.

Coal Delivery Samples

TVA conducts extensive sampling and analysis of coal delivered to TVA power plants. In practice, 50 to 80 percent, or more, of coal deliveries are sampled and analyzed.

The coal data that are included in the delivery reports includes quantity of coal delivered, coal source (state, county, seam, and mine), physical characteristics (size, cleaning, etc.) and analyses. Unfortunately, the analyses are limited to heating value, ash, sulfur, and moisture. These data are available for the period 1958-1979.

Although coal delivery analysis records do not show whether the coal was delivered to the inplant bunkers or to the stockpile, most power plants operate by delivering coal being received to the inplant bunkers. Thus, coal delivery data are usually a good approximation of the coal being fired at the plant.

Although extensive sampling and anlysis are conducted on delivery samples, these data are not readily accessible within TVA. A separate computer card is prepared for each coal delivery. Thus, for each plant there are many cards prepared each month. At three-month intervals, these records are summarized for each coal purchase contract using a computer and a summary report of quarterly coal delivery data prepared for each plant. For plants receiving coal from only a few contracts (e.g., Paradise), only a few line entries appear on each coal delivery summary. Conversely, for plants receiving coal on many contracts, the quarterly coal summary report may consist of 80 or more entries. The quarterly coal delivery summaries are produced as computer printouts and copies are distributed within TVA. (Table 2 shows a sample of these reports.) Then, the computer data on individual coal deliveries and on summaries for each contract are erased. Only the hard copies of the computer printout summaries remain. (The computer cards are retained for two years.)

Consideration has been given to reentering data from the quarterly coal delivery summaries into a computer file so that it can be used in this study. However, to date it has not been decided that such data are necessary, and the cost of this effort would be significant.

Tabulated Coal Summaries. TVA coal delivery data have been compiled as to general source (Western Kentucky, Illinois, etc.) and method of delivery (truck, train, etc.) for each plant on an annual basis. Although not too useful for detailed analyses, these data do give information on major changes in fuel supply for each plant without the need for analysis of the detailed TVA coal delivery data.

Special Analyses

Occasionally, detailed coal analyses have been conducted by TVA as part of special programs, usually in support of some larger program (e.g., JOHN SEVIER JAN FEP MAR 1979

CONTRACTOR	CONT. NO.	MINE		DELIVERED TONS			ANALYSIS M.	ASH	S.	BTU AS RECD	DRY	AMF	DATE BEG	END	ADJ
LONG PIT	98E 004	TVA RESERVE	ET	7429	7195	16735	6.8	19.3	1.8	10957	11756	14567	0101	0331	0.00
LUEKING #10	26T 012	LUEKING	3ET 12 12	3850	0	4037	5.5	18.1	2.9	11743	12426	15172	0101	0331	0.65
ROUND MT-LONE MT	41T 001	LONE PIT	983ET 22 12	9160	9686	11753	7.8	13.7	1.4	11827	12823	14864	0101	0331	
ROUND MOUNTAIN	41T 001 2	ROUND MT	983ET 22 12	2519	0	0	NO ANALYSIS						0101	0131	
PENN HOOK #1	41T 006	PENN HOOK	523ET 12 12	6700	12445	5356	6.4	14.3	3.0	11923	12739	14863	0101	0331	0.59
MONARCH	41T 007	MONARCH	423ET 22 12	13455	8166	10465	5.8	18.1	1.8	11447	12152	14838	0101	0331	-1.10
TENN-TEX	41T 008	FRANCIS	3ET 22 22	8673	8508	14453	5.9	17.5	1.9	11509	12231	14825	0101	0331	-0.03
C & C	42T 001	VARIOUS	8VA 22 12	1110	2950	1816	6.8	18.7	2.2	11151	12009	14770	0101	0331	-1.63
BIG K	42T 004	BIG K	423ET 23 12	3725	2906	4309	5.5	16.3	2.0	11826	12514	[illegible]	0101	0331	-0.38
LP	42T 013	LP 10811	643ET 22 12	1750	1582	2958	8.3	14.8	1.6	11489	12529	14705	0101	0331	1.06
TRIPPLE R	42T 016	TRIPLE R	958VA 23 12	5859	6570	11813	6.4	17.3	2.6	11390	12169	14715	0101	0331	-0.26
COALCO	42T 025	VARIOUS	3ET 12 36	1453	1604	3601	5.3	12.4	1.1	12520	13221	15093	0101	0331	1.28
MCCALL-MCCALL	42T 026	MCCALL	3ET 12 36	2491	937	5645	7.2	10.8	1.5	12192	13139	14729	0101	0331	0.15
MCCALL-SAM	42T 026 2	SAM	3ET 12 36	206	937	6014	6.8	11.6	1.3	12260	13155	14881	0101	0331	0.15
SIGNAL	42T 027	SIGNAL	3ET 12 36	8147	9442	19524	6.7	13.1	1.0	12086	12954	14907	0101	0331	0.39
AMBROSE BRANCH	42T 033	BUCHANAN	448VA 22 12	26123	23196	25019	6.3	14.3	1.4	12181	13000	15169	0101	0331	0.50
SUNSHINE	42T 034	SUNSHINE	8VA 27 12	964	2096	2602	4.7	12.5	0.9	12899	13535	15469	0101	0331	4.78
J L THACKER	42T 036	J L THACKER	3ET 12 12	3288	1606	556	7.3	14.3	1.5	11743	12668	14782	0101	0331	-0.60
C & L	73S 349	C&L 6	452EK 22 12	217	0	0	9.8	16.6	0.9	10948	12137	14553	1124	0101	-2.46
OSBORNE TRUCKING	73S 365	DARBY 5	162EK 22 12	994	0	0	6.7	17.6	2.1	11346	12161	14759	1202	0103	-1.54
DIVERSIFIED FUELS	73S 385	DIXIE PINE	3ET 72 12	1199	0	0	8.9	11.3	1.0	11959	13127	14799	1204	0108	2.37
LEE SCOTT	73S 398	LEE SCOTT	188VA 22 12	1635	0	0	5.3	21.7	1.7	10871	11479	14660	1218	0109	-2.71
NOLANSBURG ENERGY	73S 400	DARBY FUEL	152EK 22 12	835	0	0	6.0	14.3	2.7	11917	12678	14793	1211	0107	0.49
BUD	73S 407	VARIOUS	2EK 12 12	13192	0	0	7.1	14.3	2.2	11767	12665	14780	1216	0131	0.17
PARDEE	73S 410	BIG P	8VA 12 12	2199	0	0	7.8	14.8	0.9	11578	12558	14740	1215	0104	-0.92
JIM YORK	73S 411	AREA 4	163ET 12 12	1319	0	0	9.7	20.2	2.9	10319	11457	14320	0102	0108	-2.74
CHESTERFIELD	73S 412	CHESTERFLD	568VA 22 12	333	0	0	8.3	18.9	1.8	11007	12003	14800	1221	0107	-0.51
NATIONAL ENERGY	73S 423	MINE 1	528VA 22 12	1306	0	0	5.4	19.3	2.7	11358	12005	14877	1219	0104	-0.44
J A D	73S 424	SANDLICK	512EK 22 12	7796	0	0	6.5	16.0	1.5	11529	12330	14678	1218	0114	-1.65
C & L	73S 425	C&L 6	492EK 22 12	8085	0	0	8.2	15.8	1.5	11328	12340	14656	1218	0118	-1.55
D & M	73S 431	R&L	8VA 22 12	418	0	0	NO ANALYSIS						0101	0107	0.00
BAR-SEL EQUIPMENT	73S 432	BAR SEL	878VA 22 12	1686	0	0	5.5	23.8	0.7	10613	11231	14739	1224	0118	-3.26
WARREN	73S 433	WARREN	492EK 22 12	1891	0	0	6.2	18.2	1.8	11254	12041	14720	0105	0109	-0.54
VALLEY FORK	73S 434	VALLEY FORK	8VA 22 12	1167	0	0	5.3	15.9	2.2	11787	12447	14860	0107	0109	0.59
NAT'L ENERGY	73S 435	MINE 8	593ET 22 12	4884	0	0	7.1	16.8	1.7	11343	12210	14675	1225	0116	-0.39
RIDENOUR	73S 436	RIDENOUR	423ET 17 12	710	0	0	10.8	14.7	1.2	11082	12424	14565	1228	0119	-0.18
BLACK DIAMOND	73S 437	BLACK DIA	8VA 22 12	97	0	0	8.0	17.1	2.0	11135	12103	14600	1224	0101	-1.56
OSBORNE	73S 443	DARBY	126EK 22 12	7912	0	0	7.0	16.1	2.3	11536	12404	14784	1230	0117	-1.08
FARCO	73S 445	FARCO	3ET 12 12	3977	0	0	6.6	14.8	2.5	11659	12483	14651	1229	0124	0.35
RANDALL	73S 449	GREGORY	948VA 22 12	3654	305	0	6.1	12.7	2.7	12205	12998	14669	0117	0225	0.42
RANDALL	73S 450	AREA 3	983ET 12 12	4885	0	0	6.4	14.0	2.3	11854	12664	14725	0106	0124	-0.37

TABLE 2. SAMPLE TABULATION FROM QUARTERLY COAL DELIVERY REPORT (John Sevier, January to March 1979)

emission studies) being conducted by TVA. For example, such analyses were conducted on bunker coal samples for each station in March, 1977; in June, 1975; and in October, 1973. These coal analyses included ash composition and ash fusion temperatures, as well as proximate and ultimate analyses. (Table 3 shows a sample of these data.)

The coal analysis records of John Rose of the TVA Coal Analysis Group at the Chickamauga Service Center have been searched for detailed coal analyses and all such data have been included in the computer coal file.

Boiler Manufacturers' Data

Babcock & Wilcox and Combustion Engineering were asked to supply data on any coal sampled in conjunction with B&W or CE studies at any TVA power plant. A few coal data were obtained from these sources.

Coal Mining Company Data

Several large suppliers of coal to TVA were contacted and asked to supply coal analyses. The coal companies responded and provided a few analyses. Without the coal delivery data, it has been difficult to determine how to best utilize the coal mining company data.

Data on New Coal Sources

Infrequently--usually when a coal purchase contract is being considered with a new mine source--TVA conducts detailed analyses of coal samples from the mine or from core samples. The data reported at these times include ash analyses and ash fusion temperatures, as well as proximate and ultimate analyses.

The relatively complete data available for some of these samples provides a basis for estimating analyses of coal from that source for time periods near that of the sample. However, changes in mining practices suggest caution be used in relating these analyses to characterize coal from the source over long periods.

Some data for the 1972-1978 period are available.

COAL AND ASH ANALYSES
All Steam Plants
March 1977

Plant	Allen	Bull Run	Colbert	Cumberland	Gallatin	John Sevier	Johnsonville	Kingston	Paradise	Shawnee	Watts Bar	Widows Creek
Producer	Plant	Plant	Plant	Plant	Plant	Plant	Plant	Plant	Plant	Plant	Plant	Plant
Mine	Bunker	Bunker	Bunker	Bunker	Bunker	Bunker	Bunker	Bunker	Bunker	Bunker	Bunker	Bunker
Seam	-	-	-	-	-	-	-	-	-	-	-	-
Sample No.	-	-	-	-	-	-	-	-	-	-	-	-
Date sampled	3/1-31/77	3/1-31/77	3/1-31/77	3/1-31/77	3/1-31/77	3/1-31/77	3/1-31/77	3/1-31/77	3/1-31/77	3/1-31/77	3/1-31/77	3/1-31/77
Proximate Analysis												
% Total Moisture	11.7	6.7	6.0	9.4	8.3	7.8	8.8	5.5	8.7	9.9	9.2	5.8
% Volatile Matter (Dry)	38.6	35.6	37.3	36.5	35.3	35.5	35.6	33.1	36.4	36.3	33.5	30.6
% Ash (Dry)	14.2	15.7	16.4	19.7	17.2	15.8	18.6	18.8	19.1	17.1	18.6	19.1
% Fixed Carbon (Dry)	47.2	48.7	46.3	43.8	47.5	48.7	45.8	48.1	44.5	46.6	47.9	50.3
% Total Sulfur (Dry)	3.8	3.2	4.4	4.1	3.3	2.6	4.2	2.3	4.6	4.0	2.9	1.9
Btu/lb.												
As received	10865	11450	11519	10459	10987	11297	10695	11268	10587	10773	10741	11307
Dry	12305	12272	12254	11544	11982	12253	11727	11924	11596	11957	11830	12003
Ash & Moisture Free	14345	14562	14660	14381	14467	14547	14401	14681	14341	14431	14530	14831
Ultimate Analysis (Dry)												
% Carbon	68.6	68.6	67.5	63.9	66.7	68.8	65.3	66.8	63.8	66.2	66.4	67.6
% Hydrogen	4.8	4.8	4.8	4.5	4.7	4.7	4.6	4.6	4.5	4.7	4.5	4.5
% Nitrogen	1.6	1.4	1.5	1.5	1.5	1.5	1.5	1.6	1.5	1.5	1.5	1.4
% Oxygen	7.0	6.3	5.4	6.3	6.6	6.6	5.8	5.9	6.5	6.5	6.1	5.5
Forms of Sulfur (Dry)												
% Sulfate	0.10	0.21	0.07	0.09	0.13	0.11	0.13	0.19	0.09	0.10	0.29	0.09
% Pyritic	2.17	1.90	2.63	2.41	2.07	1.46	2.54	1.19	2.88	2.52	1.59	1.14
% Organic	1.51	1.08	1.69	1.57	1.14	1.02	1.56	0.88	1.60	1.35	0.99	0.71
% Total	3.78	3.19	4.39	4.07	3.34	2.59	4.23	2.26	4.57	3.97	2.87	1.94
Grindability Index	57	50	57	56	58	54	62	53	58		65	61
% Chlorine	.05	.12	.17	.13	.09	.07	.19	.09	.04	.13	.20	.12
Ash Fusion Temperature (°F.)												
Reducing Atmosphere												
Initial deformation	1940	2010	1930	1960	2040	2100	1960	2190	1960	1960	1980	2490
Softening	2020	2200	1990	2060	2130	2260	2020	2490	2050	2040	2220	2620
Fluid	2180	2520	2250	2190	2430	2550	2160	2670	2340	2260	2380	2710
Oxidizing Atmosphere												
Initial deformation	2180	2520	2260	2210	2280	2490	2290	2500	2310	2250	2460	2680
Softening	2440	2620	2380	2340	2490	2610	2350	2700	2490	2460	2560	2760
Fluid	2540	2670	2490	2480	2560	2670	2500	2760	2560	2520	2610	2800+
Chemical Analysis of Ash												
% SiO_2	49.4	48.4	46.5	51.7	50.4	49.2	47.3	52.3	50.1	47.7	51.9	55.8
% Al_2O_3	18.1	23.7	16.4	15.3	21.3	24.6	17.0	26.0	18.7	18.6	22.9	25.8
% Fe_2O_3	21.6	20.4	22.9	17.0	18.0	15.7	20.5	12.2	21.7	22.9	15.0	11.0
% CaO	3.5	1.2	4.6	5.3	3.3	2.2	5.4	1.6	2.7	3.8	2.7	1.0
% MgO	0.9	0.7	1.1	1.3	0.9	1.1	1.1	1.1	0.9	0.9	0.9	0.9
% SO_3	2.4	1.5	4.1	4.9	1.7	1.9	3.9	1.6	1.7	2.0	1.7	0.9
% Na_2O	0.4	0.2	0.5	0.7	0.4	1.0	1.1	0.8	0.7	0.4	1.0	0.5
% K_2O	2.3	2.1	2.5	2.5	2.4	2.8	2.5	2.9	2.3	2.3	2.5	2.6
% TiO_2	0.9	1.3	0.9	0.8	1.1	1.0	0.7	1.0	0.7	0.9	0.9	1.0
Fouling Type	Low	Low	Medium	Medium	Low	Medium	High	Medium	Medium	Low	Medium	Low
Slagging Type	Medium	Medium	High	Medium	Medium	Medium	Medium	Low	Medium	Medium	Medium	Low

TABLE 3. SAMPLE TABULATION OF DETAILED COAL ANALYSIS AS PART OF SPECIAL STUDIES

Plant Performance Data

There are at least five important plant performance parameters of interest:

- Unit efficiency
- Boiler/plant capacity
- Boiler/plant availability
- Plant operating costs
- Plant maintenance costs

As discussed earlier, coal quality can impact on each of these parameters. To relate coal quality to these plant performance parameters, it is necessary to acquire data on these parameters for each unit as a function of time. Although some data are available on each of these parameters from the records of operating utilities, the data may not be the exact data needed. Thus, use must be made of the data that are available.

The following paragraphs describe the plant performance data that were found within the TVA system, and describes how it was evaluated and/or manipulated to provide a data base of interest to this program.

Plant Operating Statistics

The Steam Plant Operating Statistics, reported for bunker periods monthly and annually on TVA Form 7382, include substantial data relative to plant performance parameters. The following listing shows data related to each of the aforementioned performance parameters:

- Unit efficiency
  - gross heat rate
  - net heat rate
  - boiler efficiency
  - total air at boiler outlet
  - combustible loss in fly ash
  - moisture in fuel loss
  - throttle or feedwater flow
  - coal fired

- Boiler/plant capacity
  - maximum hour net generation
- Boiler/plant availability
  - boiler availability factor
  - unit availability factor
- Plant operating cost
  - soot blowing
- Plant maintenance cost
  - no pertinent data

Comments concerning these data are as follows:

- Unit efficiency is well defined by the data listed above
- Boiler/plant capacity is not necessarily reflected by the peak monthly or annual load; however, lacking better data it is a measure of plant capacity that has been reported regularly by TVA.
- Boiler/plant availability is well defined by the monthly statistical data; however, since the prime interest is in the relationship of availability to coal, it is necessary to investigate more detailed data, such as data on the causes of outages.
- Plant operation cost--only one item (soot blowing) of the coal-related plant operating costs is reflected on TVA Form 7382.
- Plant maintenance costs are not reflected in any item on TVA Form 7382.

Annual plant performance data were obtained in the form of copies of the Annual Operating Statistical Reports for all plants. Data were extracted from these reports for use in correlation attempts in Task 4. Data extracted includes the following items:

1. Average Hourly Gross Load, kW
2. Maximum Hour Net Generation, kWh
3. Gross Generation, MWh
7. Capacity Factor, percent
9. Boiler Availability Factor, percent
10. Unit Availability Factor, percent
11. Hours of Use
13. Boiler Cold Startups

14. Gross Heat Rate, Btu/kWh
16. Boiler Efficiency, percent
20. Combustible Loss in Fly Ash, percent
33. Superheat Attemperation, percent
34. Reheat Attemperation, percent
37. Total Air at Boiler Outlet, percent
39. Coal Fired, 10^3 lb
40. Combustibles in Fly Ash, percent
41. Soot Blowing, 10^3 lb

These data were keypunched on computer cards which were used to create a tape file on these measures of plant performance.

Computerized TVA Power Plant Outage Data

TVA has an extensive computerized tabulation of plant outage data going back to 1961. These data are very complete with regards to types of failures (within limits of the coding system), duration of the outage, and the time of the outage. The outage data are available for each unit at each station. TVA uses the standard IEEE 4-digit codes for tabulating causes of outages and periods of reduced load.

These data are computerized and, hence, they are amenable to machine manipulation to reduce the total body of data to that data related to coal quality. All coal-related failures fall within the 1000 and 8000 code categories. Examples of coal-related outages include:

8004	Boiler fouling (superheater or reheater)
8011	Boiler slagging
8017	Poor quality coal

Consideration must be given to possible lack of uniformity in data reporting. For example, one station superintendent indicated that an outage caused by the drop of a large mass of slag onto tubes at the furnace bottom and rupture of a tube might be reported as boiler slagging (8011), or as a tube failure (1001 or 1002).

The outage file is limited as to citing the general cause of the outage or derating and lacks details regarding the actual cause of the outage or derating. For example, TVA has defined 10 causes of tube failures that are all reported as Category 1002, boiler tube failure. These causes of boiler tube failures are:

1. Fly ash and sootblower erosion
2. Internal corrosion
3. External corrosion
4. Stress cracks
5. Iron attack
6. Slag erosion and falling slag
7. Overheating, short and long term
8. Dissimilar weld cracks
9. Hydrogen embrittlement
10. Others.

Some of these failure causes are coal related; others are not. Using only the outage file, it is impossible to separate outages into more detailed categories than the outage code.

To completely analyze the causes of plant outages would require going to records at either the station or at TVA's maintenance office to obtain specific descriptions of each failure. This would require a large effort and, with all the opportunities to explore in this program, it is doubtful that devoting such a large effort to one area would be justified. However, if inconsistencies become evident, it might be necessary to review selected detailed outage reports.

Battelle obtained a copy of the complete TVA outage file for the years 1961 through 1978 on computer tape. Then, a selection was made of the outage codes likely to be coal related. The selected codes are listed in Table 4. Finally, the outage data for these outage codes was assembled in a smaller outage tape that has been used in the ongoing correlation efforts.

Outage Summaries. TVA has compiled some outage data as part of their own efforts to understand the causes of outages(3). For example, a tabulation has been made of outages attributable to the complete unit, to the boiler, and to the turbogenerator for each year and for the period 1961-1977. Mostly, these data are tabulated for groups of units by size; however,

TABLE 4. EQUIPMENT OR CONDITION CODES SELECTED FOR ANALYSIS

IEEE Code	Equipment or Condition
1000	Boiler
1001	Waterwalls
1002	Generating tubes
1003	Superheater
1004	Reheater - first
1005	Reheater - second
1006	Economizer
1007	Air preheater - tubular
1008	Air preheater - regenerative
1009*	Induced-draft fan
1011	Recirculating fans
1014	Bypass dampers, gas
1015	Furnace refractory
1022	Slag disposal equipment
1024	Stacks
1025*	Pulverizers
1027	Fuel handling equipment (gas, coal, oil, etc.)
1028	Pulverizer capacity limited because of wear but still in service
1029	Fireside cleaning
1032	Soot blowers
1033	Miscellaneous
1034	Fly-ash disposal (Fly-ash disposal trouble)
1037	Ash pit trouble
1040	Precipitators - electrical
1041	Precipitators - mechanical
1043*	Cyclones
1044	Exhausters
1045	Burners
1046	Primary air fans
1047	Forced-draft fans-turbine driven
1050*	Bradford breakers-rotating element
1052*	Hammermill-hammers and wear parts
1054*	Conditioners-ring and wear parts
1056*	"Flextooth" - roll and wear parts
1058*	Ring-ring and wear parts
1060*	Belt conveyors
1061	Feeders, pulverizer
1064	Slag tap cooling coil
1067	Fires in bunkers
1068	Feeder, cyclone
1070	Precipitator, discharge electrode failure
1073	Precipitator, ash removal trouble
1075	Mechanical fly-ash collector, ash removal trouble
1076	Mechanical fly-ash collector, repairs
1078	Burner pipe trouble
1080	Cyclone tube leaks
1081	Coal scale problems
1082	Insufficient combustion air (for other than ID or FD fans)
1083	Pulverizer seal air blowers
1084	EPA inspection-precipitators, scrubbers (2/3/77)
1085	Noise abatement-equipment (2/3/7)
1088	Pulverizer fires (5/4/78)
1089	Baghouse (5/30/78)
1095	Coal bunkers (6/16/78)
1096	Furnace doors (2/9/79)
8000	Conditions
8001	Wet coal
8004	Boiler fouling (superheater & reheater)
8011	Boiler slagging
8012	Loss of fires in furnaces
8013	Air heater fouling
8014	Draft fan fouling
8015	Precipitator fouling
8016	Poor quality coal
8017	Boiler tube metal temperature high-waterwall protection
8026	Unit miscellaneous (nuclear, fossil)

*Noncurtailing outage data and deratings are reported on this equipment specific data are given for units of 500 MW or greater capacity. Figure 1 is a plot (from these data) of forced outage rate, by year, due to boiler-related causes. It can be seen from this figure that the outage rate has increased through the years. The increased outage rate experienced in the last few years may be coal-quality related (e.g., due to increasing ash content of coal fired in the units), or non-coal related (e.g., aging of the units).

Although these outage summaries do not provide additional data (beyond the outage file described above), they do serve as a guide in attempting to understand the impact of coal on outages.

Maintenance Costs

The Tennessee Valley Authority (TVA) has a comprehensive accounting system for the collection of costs at each of its twelve coal-fired power plants. This system requires that all costs for labor, materials, and services incurred in the operation and maintenance of the particular plant be charged to one or more of 301 accounts which cover every function and/or physical item related to the facility. One of the forms in which this data is summarized and published is via a report entitled "Comparison of Steam Production Expense". This is a semiannual report prepared by the Power Accounting Office of TVA. Prior to the 1977 change in the Federal Government's fiscal year, this report was published through the 31st of December and the 30th of June each year. The December report covered the first six months of the fiscal year and the June report was a cumulative look at each plant for the entire fiscal period. Since fiscal year 1977, this report has been published through the 31st of March and the 30th of September to coincide with the Federal Government's fiscal year.

This TVA accounting report summarized the cost of operating and maintaining each of the coal-fired plants according to a comprehensive series of account classifications. Each of these accounts is a composite of the labor, materials, services, etc., charged to that function or piece of equipment during the period. In consultation with plant personnel, this comprehensive list of accounts was reviewed to determine those categories which these individuals involved with the operation and maintenance functions perceived as being most sensitive to variations in coal quality. Then, based upon several such

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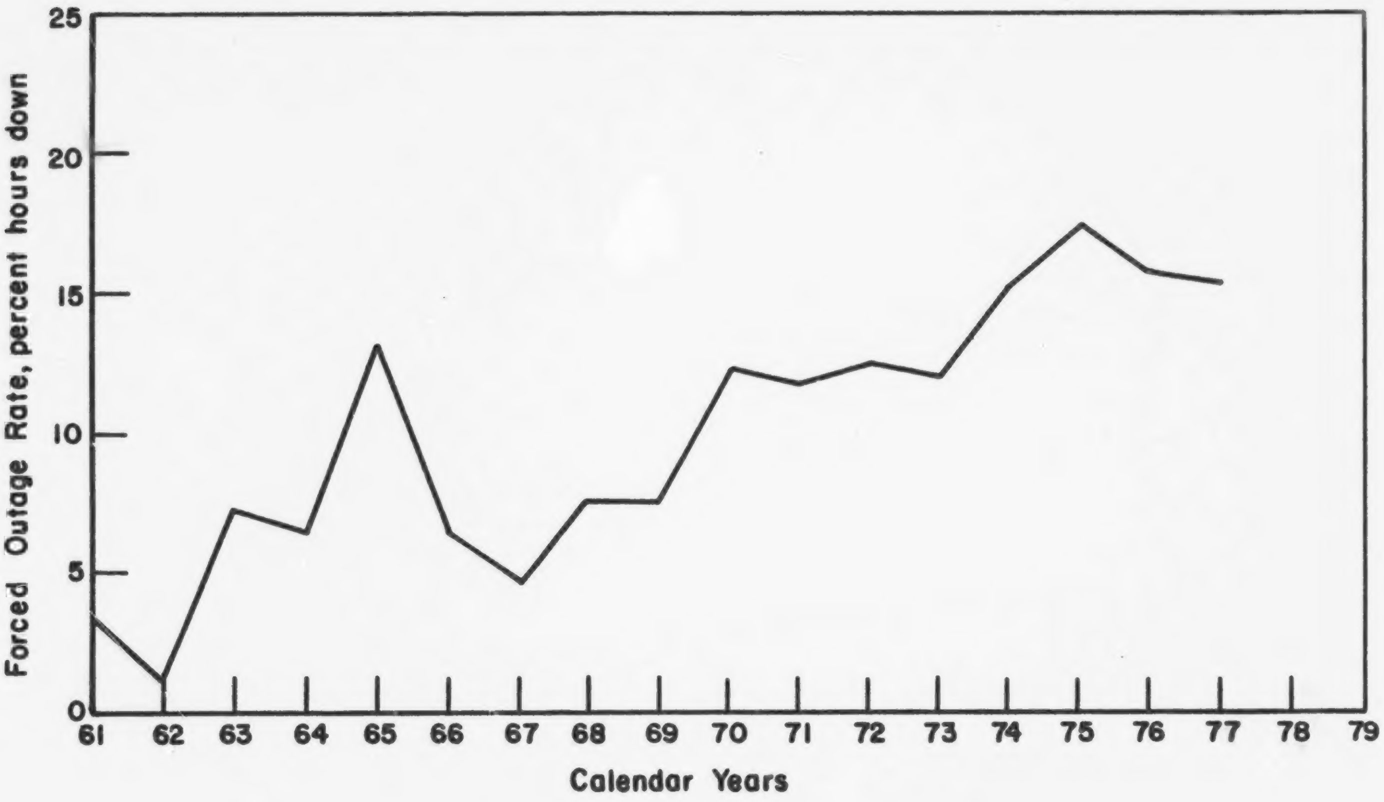

FIGURE 1. FORCED OUTAGE RATE FOR BOILERS OF 500 MW OR GREATER CAPACITY

interviews, eighty-six of these accounts were selected as being coal-related and were subjected to detailed analysis.

All of these selected accounts fell within the "Stream Production Maintenance" classification of the aforementioned TVA report. The selection of only "maintenance" accounts for analysis is not to infer that variations of coal quality have no effect on utility plant operations. On the contrary, as implied by many of the account titles (Coal Conveying Facilities, Soot Blowers, etc.), operating functions are involved. However, under the TVA cost accounting system, the only measurable indication of these possible effects appears under the maintenance account classification.

Table 5 lists the accounts selected for analysis. Appendix B gives further detail regarding these accounts, including a brief description of their scope of coverage.

Site Visits to TVA Power Plants

An essential part of the data collection task as part of a major program to understand coal quality/plant performance relationships for TVA power plants has been site visits to various TVA stations. Onsite visits and discussions with plant operating personnel provide information not available in written records or computer files. Examples of the types of data obtainable through such visits are:

- Comments regarding the relative performance of the same coal being fired in different boilers
- Comments regarding the relative performance of different coals being fired in the same unit
- Comments regarding changes in coal quality with time and the impact of such changes on plant performance.

During the current program, Battelle and Hoffman-Muntner staff visited five TVA stations, as follows:

- Cumberland
- Bull Run
- Paradise
- Shawnee
- Widows Creek.

TABLE 5. MAINTENANCE ACCOUNTS AT TVA POWER PLANTS IDENTIFIED AS COAL-RELATED

Account Number	Account Title	Basis for Account Individual (Each Unit Separately)	 Composite (Total for Units 1 thru 10)
152.1	Bradford Breaker-Type Coal Crusher	-	X
152.2	Hammermill-Type Coal Crushers	-	X
152.3	Coal Conditioners	-	X
153	Coal Conveying Facilities	-	X
154	Coal Handling Power and Control System	-	X
155	Coal Bunkers	-	X
157	Boilers and Accessories	X	-
158.1	Soot Blowers	-	X
158.2	Soot Blowers - Air Compressors - Reciprocating Types	-	X
158.3	Soot Blowers - Air Compressors Centrifugal Types	-	X
158.12	Soot Blowers - Lance- Type IK-Long	-	X
158.13	Soot Blowers - Lance- Type IK-Short	-	X
158.14	Slag Blowers, Wall - Type IR	-	X
160	Coal Transport Piping and Valves	-	X
161	Boiler Room Coal Scales and Volumetric Feeders	-	X
162.01	Pulverizer Mills	X	-
162.2	Primary Air Fans or Mill Exhauster Exhauster Fans	-	X
163.1	Burners and Lighters	-	X
163.2	Cyclones	-	X
165	Gas Recirculating Fans	-	X
166	Air Preheaters	-	X
168	Induced Draft Fans	-	X
169	Air and Gas Ducts	-	X
170	Smokestacks	-	X

TABLE 5 (continued)

173	Bottom Ash Hoppers	X	-
174.01	Mechanical Fly Ash Collectors	X	-
174.02	Electrostatic Fly Ash Precipitators	X	-
175.2	Ash Crushing, Ejection, and Disposal Piping Systems	-	X
175.4	Fly Ash Recovery and Storage Systems	-	X
175.7	Ash Handling Conveyor System	-	X

The first four stations were selected for visits because they represented four basic types of TVA units or stations:

- large tangentially fired boilers
- a large wall-fired boiler
- cyclone-fired boilers
- a number of small boilers at one plant.

Widow's Creek was selected because of its importance to TVA (including two 500 Mw units) and its convenience to Chattanooga. TVA staff accompanied program staff on several of these visits.

Among the items discussed and/or data obtained during these plant visits were:

- comments on changes in coal quality
- descriptions of problems firing various coals
- details regarding coal sampling
- details regarding plant modifications over the years
- details on various aspects of plant maintenance and maintenance records
- copies of stored withdrawn records for certain coal-sensitive plant components
- data on coal fineness
- pulverizer wear data
- descriptions of slagging, fouling, and erosion problems
- details of plant cost accounting practices

Admittedly, interviewing station personnel regarding unit operation and performance is likely to produce data of variable quality because:

- Backgrounds of station personnel vary from station to station
- Memories are imperfect data recording devices.

However, such interviews provide useful data and are a necessary aid in understanding and interpreting tabulated data.

Design Data

A limited effort was expended to assemble design data on the TVA units. Only data considered of importance to understanding coal/power plant performance relationships were sought.

Among the design data determined to be of interest were:

1. design coal specifications
2. rated capacity
    - firing capacity
    - steam generation rate
    - electrical output
3. furnace characteristics
    - dry bottom or wet bottom
    - balanced or forced draft
    - wall, corner, or cyclone fired
    - single or twin furnace
    - use of division walls
    - numbers of burners and pulverizers, or cyclones
4. boiler dimensions
5. combustion intensity
    - heat release rate per unit volume
    - heat release rate per sq ft of plan area
    - heat release rate per sq ft of heat transfer surface
6. steam conditions.

In addition, boiler age was considered of interest.

Design data were requested from the two boiler manufacturers that constructed most of TVA's boilers (Babcock & Wilcox and Combustion Engineering) and from TVA's design offices in Knoxville.

Responses from all three of these potential data sources provided the desired data. In a few instances, data obtained from different sources did not agree.

Table 6 lists the design coal specifications as reported by the boiler manufacturers (preferred) or by TVA sources. As part of the design coal considerations, it was recognized that it would be of interest to compare performance of units at one TVA plant to those at another plant. Since the various plants were designed for different coals and have different firing rates, it was thought that units might be compared on the basis of the percentage deviation from design, e.g., ratio of actual coal property or firing rate to design value. Hence, it was necessary to define the coal and firing

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TABLE 6. TVA POWER PLANTS--DESIGN COAL SPECIFICATIONS

		Coal Analysis, Percent							Higher Heating Values, Btu/lb	Ash Fusion Temperatures				Hardgrove Grindability Index
		As Received					Dry							
Plant	Unit	F.C.	V.M.	Moist.	Ash	S	Ash$^{(d)}$	S$^{(d)}$	As Received	Init. Def. Temp., F	Ash Soft Temp., F	Ash Fluid Temp., F	Not Specified, F	
Allen	1-3	(a)41.3	40.5	10.0	8.0	-	8.8	-	12,350					55
"	"	(c) -	-	10.5	10.0	3.2	11.0	3.5	10,740					50
Bull Run	1	(b)46.5	33.5	7.0	13.0	2.8	14.0	3.0	11,910				2250-2800	45
Colbert	1-4	(a)46.5	33.5	7.0	13.0	3.3	14.0	3.5	11,530		1950			50
Colbert	5	(c)44.9	32.4	7.7	15.0	4.0	16.25	4.34	11,200		1950			50
Cumberland	1-2	(a)44.9	32.4	7.7	15.0	4.0	16.25	4.34	11,200	1900	1950	2150		50
Gallatin	1-2	(b)45.0	32.4	10.0	12.6	3.2(c)	14.0	3.5	11,160				1900-2150	50
Gallatin	3-4	(b)46.5	33.5	7.0	13.0	3.3	14.0	3.5	11,530				1900-2150	50
John Sevier	1-4	(b)53.7	32.7	4.0	9.6	0.96	10.0	1.0	12,600				2500	50
"	"	(c) -	-	7.0	13.0	3.3	14.0	3.5	11,530					50
Johnsonville	1-6	(b)45.0	32.4	10.0	12.6	3.2(c)	14.0	3.5	11,160				1950-2200	50
Johnsonville	7-10	(c)46.5	33.5	7.0	13.0	3.3	14.0	3.5	11,530					50
Kingston	1-4	(b)46.5	33.5	7.0	13.0	3.3	14.0	3.5	11,530				2200	50
Kingston	5-9	(b)46.5	33.5	7.0	13.0	3.3	14.0	3.5	11,530				2200	50
Paradise	1-2	(a)38.2	30.5	13.0	18.3	4.35	21.0	5.0	9,830	1900	1950	2150		50
Paradise	3	(a)42.4	32.8	8.9	15.9	4.1	17.5	4.5	10,870					50
Shawnee	1-10	(a)46.5	33.5	7.0	13.0	3.3	14.0	3.5	11,530		1950			50
Watts Bar	1-4			None										
Widows Creek	1-4	(a)46.5	33.5	7.0	13.0	3.3	14.0	3.5	11,530	1900	1950	2200		50
Widows Creek	5-6	(a)46.5	33.5	7.0	13.0	3.3	14.0	3.5	11,530	1900	1950	2200		50
Widows Creek	7	(b)46.5	33.5	7.0	13.0	3.3(c)	14.0	3.5	11,600				1900-2150	50
Widows Creek	8	(b)41.5	32.0	11.0	15.1	4.45	17.0	5.0	10,560				1900-2150	50

(a) Data obtained from Babcock & Wilcox.

(b) Data obtained from Combustion Engineering.

(c) Data obtained from TVA.

(d) Dry data for ash and sulfur primarily based on TVA data; some minor discrepancies were noted between listed "dry" values and dry values calculated from "as found" data.

rate values that would be considered as design values. Table 7 lists the selected values. In most cases the values given in Table 7 are recognized as design values by the boiler manufacturer and by TVA. In cases where disagreement occurred, the value that was selected was the value that appeared most likely to be the boiler manufacturer's value.

Table 8 shows a comparison of average coal ash and sulfur to design coal ash and sulfur for TVA plants for 1961 to 1978. In most cases, the annual ash values during this period exceeded the design value nearly every year. Shawnee is the only exception; as Shawnee ash in the actual coal fired was above design for 10 years and below design for 8 years.

Considering coal sulfur content, the plants tended to consistently be fired with coal having sulfur values either above or below design values; no plant showed both a number of years where coal sulfur was less than design and a number of years where coal sulfur exceeded design.

Table 9 gives most other data of interest for the TVA boilers.

TABLE 7. DESIGN COALS FOR TVA PLANTS

Plant & Units		S,dry, percent	Ash, dry, percent	Firing Rate, 10^6 Btu/hr
Allen	1-3	3.5(a)	11.0(a)	2912
Bull Run	1	3.0	14.0	7967
Colbert	1-4	3.5	14.0	1728
Colbert	5	4.34	16.25	4424
Cumberland	1-2	4.34	16.25	11465
Gallatin	1-2	3.5	14.0	2091
Gallatin	3-4	3.5	14.0	2268
John Sevier	1-4	3.5(a)	14.0(a)	1668
Johnsonville	1-6	3.5	14.0	1147
Johnsonville	7-10	3.5	14.0	1258
Kingston	1-4	3.5	14.0	1265
Kingston	5-9	3.5	14.0	1672
Paradise	1-2	5.0	21.0	5703
Paradise	3	4.5	17.5	9930
Shawnee	1-10	3.5	14.0	1342
Watts Bar	1-4			684
Widows Creek	1-4	3.5	14.0	1136
Widows Creek	5-6	3.5	14.0	1062
Widows Creek	7	3.5	14.0	4418
Widows Creek	8	5.0	17.0	4383

(a) Using TVA values; boiler manufacturer's values are different.

TABLE 8. COMPARISON OF ACTUAL COALS FIRED TO DESIGN COALS FOR TVA PLANTS

Plant	Unit	Design Ash, Percent	No. of Years in Which Actual Ash Value Was			Design Sulfur, Percent	No. of Years in Which Actual Sulfur Value Was		
			Below Design	At Design	Above Design		Below Design	At Design	Above Design
Allen	1-3	8.0	0	0	14	-			
Bull Run	1	13.0	1	1	11	2.8	13	0	0
Colbert	1-4	13.0	3	0	15	3.3	0	0	15
"	5	-				-			
Cumberland	1-2	15.0	0	0	7	4.34	7	0	0
Gallatin	1-2	12.6	2	0	16	-			
"	3-4	13.0	3	0	15	3.3	3	0	15
John Sevier	1-4	9.6	0	0	18	0.96	1	2	15
Johnsonville	1-6	12.6	3	0	15	-			
"	7-10	-				-			
Kingston	1-4	13.0	2	0	16	3.3	0	0	18
"	5-9	13.0	2	0	16	3.3	0	0	18
Paradise	1-2	18.3	4	0	12	4.35	2	0	14
"	3	15.9	0	0	10	4.1	1	0	9
Shawnee	1-10	13.0	8	0	10	3.3	12	1	5
Watts Bar	1-4	-				-			
Widows Creek	1-6	13.0	4	0	14	3.3	15	0	3
"	7	13.0	2	0	16	-			
"	8	15.1	4	0	10	4.45	14	0	0

TABLE 9. TVA POWER PLANTS--SPECIFICATIONS(a)

Plant	Unit	Year Initial Commercial Operation	Current Peak Capacity, MW	Builder	Furnace Type	Steam Generation Type	Steam Data			Furnace Type	Draft	Pulverizers	Burners	Furnace Data				Furnace Heat Release at Max. Cont. Load		
							Throttle Oper. Cond. Pres., psig	Temp., F	Rated Capacity, 10^6 lb/hr					Dimensions, W x D x L, ft	Heating Surface ft^2	Volume, ft^3	Plan Area, ft^2	Volume, Btu/ft^3/hr	Heat. Sur. Btu/ft^2/hr	Plan Area 10^6 Btu/ft^2/hr
Notes			b		c					d				e	f	f	g	h	h	i
Allen	1-3	1959	330	B&W	Cyc	Drum	2400	1050	2.00	Single	Pres.	-	7-cyc	45x28x160.5	41,891		1260			
Bull Run	1	1967	950	CE	PC-DB	Once-thru	3500	1000	6.40	Twin, DW	Pres.	10-CE	80	(2) 60.8x29.8x92(DW)	74,590	382,000	3624	19,200	114,000	2.02
Colbert	1-4	1955	200(j)	B&W	PC-DB	Drum	1800	1050	1.28	Single	Bal	6-B&W	18	55.5 x 24 x 95	19,427	90,650	1332	19,400	89,000	1.32
"	5	1965	550	B&W	PC-DB	Once-thru	2400	1050	3.90	Sing, 2DW	Pres.	10-B&W	30	72x32x128 (2DW)	65,943	242,000	2304		84,000	
Cumberland	1-2	1973	1300	B&W	PC-DB	Once-thru	3500	1000	9.30	Single	Pres	11-B&W(5)	44(k)		78,863(5)	956,000(5)		12,640		
Gallatin	1-2	1956	300	CE	PC-DB	Drum	2000	1050	1.65	Twin	Bal.	8-CE	32	(2) 29x25x120	82,200	148,000	1450	15,400	90,000	1.57
"	3-4	1959	327.6	CE	PC-DB	Drum	2000	1050	1.96	Twin	Bal.	8-CE	32	(2) 31.2x24.9x120	38,110(l)	159,500	1554	16,200	87,000	1.66
John Sevier	1-4	1955-6	200(m)	CE	PC-DB	Drum	1800	1050	1.28	Twin	Bal.	6-CE	24	(2) 25.4x22.9x108	70,600	109,300	1163	16,300	86,600	1.53
Johnsonville	1-6	1951-3	125(n)	CE	PC-DB	Drum	1450	1000	1.00	Single	Bal.	4-CE	16	38x27x92	39,120	79,500	1026	15,100	99,200	1.17
"	7-10	1958-9	172.8	FW	PC-DB	Drum	2000	1050	1.10	Sing, DW	Bal.	2-FW	16	43x25x74(DW)	16,600	79,200	1075	18,100	88,500	1.33
Kingston	1-4	1954	175	CE	PC-DB	Drum	1800	1000	1.00	Single	Bal.	4-CE	16	38.2x28.1x108	44,720	93,000	1073	14,470	97,500	1.25
"	5-9	1955	200(o)	CE	PC-DB	Drum	1800	1050	1.28	Twin	Bal.	6-CE	24	(2) 25.4x22.9x108	70,600	109,300	1163	16,300	86,600	1.53
Paradise	1-2	1963	704	B&W	Cyc	Once-thru	2400	1050	4.90	Single	Pres.	-	14-cyc	63 x 32 x 162.4	41,067	340,630	2016	17,670	76,000	2.99
"	3	1970	1150	B&W	Cyc	Once-thru	3500	1000	8.00	Single	Pres.	-	23-cyc	96.3x100.8x163.8(p)	128,728	826,000		16,100	100,000	
Shawnee	1-10	1953-6	175	B&W	PC-DB	Drum	1800	1000	1.00	Sing, DW	Bal.	4-B&W	16	46x24x95(DW)	14,770	72,000	1104	18,600	93,933	1.21
Watts Bar	1-4	1942-5	60	B&W	PC-WB	Drum	850	900	0.60	Sing, DF	Bal.	4-B&W	8	26.8x21x22.8	11,504	27,000	563	27,000		1.29
Widows Creek	1-4	1952-3	140.6(q)	B&W	PC-DB	Drum	1450	1000	1.00	Sing, DW	Bal.	4-B&W	16	40x22x88	18,484	55,200	880	21,500	91,700	1.35
"	5-6	1954	140.6	B&W	PC-DB	Drum	1800	1000	0.85	Sing, DW	Bal.	4-B&W	16	40x22x88	16,836	53,000	880	21,400	88,800	1.29
"	7	1961	575	CE	PC-DB	Drum	2400	1050	3.85	Twin	Bal.	10-CE	40	(2) 40.2x40.2x145	54,200	429,200	3232	11,200	71,600	1.49
"	8	1965	550	CE	PC-DB	Drum	2400	1050	3.85	Twin	Pres.	10-CE	40	(2) 40.2x40.2x153	48,700	429,200	3232	11,100(10)	108,123	

(a) References for data are as follows:
4a-e, and 5 through 10

(b) Data from references 4a-e and 6 except as noted.

(c) Cyc = cyclone
PC-DB = pulverized coal, dry bottom
PC-WB = pulverized coal, wet bottom

(d) Single = single furnace chamber
Sing, DW = single furnace with division wall
Sing, 2DW = single furnace with 2 division walls
Sing, DF = single furnace, down fired
Twin = twin furnace
Twin, DW = twin furnace with division walls

(e) A (2) preceeding dimensions indicates that there are 2 furnaces with these dimensions (twin furnace design). A DW or 2DW following the dimensions indicates 1 or 2 division walls are present in the furnace.

(f) Values in other sources differ, as follows

	Heating Surface, ft^2		Volume, ft^3
Bull Run	71,900	(10)	390,000 (10)
Colbert 1-4	25,982	(5)	
Colbert 5	32,165	(5)	
Cumberland	124,402	(8)	
Gallatin 1-2	84,370	(10)	
Gallatin 3-4	78,320	(5, 10)	158,300 (10)
Johnsonville 1-6	39,900	(10)	
Johnsonville 7-10	26,390	(5)	
Paradise 3	71,777	(5)	549,055 (5)
Paradise 3	71,882	(9)	
Shawnee 1-10	20,236	(9)	
Widows Creek 7	55,100	(10)	
Widows Creek 8	54,060	(10)	405,000 (5)

(g) Calculated from furnace dimensions, W x D

(h) Data from Reference 5 except as noted

(i) Calculated as follows: Heat release, plan area, Btu/ft²/hr² =

$$\frac{\text{Furnace volume, ft}^3 \times \text{heat release, volume, Btu/ft}^3\text{/hr}}{\text{Plan area, ft}^2}$$

(j) Unit 2 is 246.5 MW (6, 7)
Unit 3 is 223.25 MW

(k) 80 in Reference 4
48 in Reference 5

(l) Value given appears to be for one unit of twin furnace

(m) Units 1 and 2 are 223.25 MW (6)

(n) Units 5 and 6 are 147 MW (6)

(o) Unit 7 is 223.25 MW (6)

(p) Depth appears incorrect compared to scale drawing.

(q) Unit 3 is 149.9 MW (6, 7)

ANALYSIS AND RESULTS

All five identified plant parameters of interest have been touched on in the analysis conducted to date. Some parameters have received more attention than others because either the performance parameter is estimated to be more dependent on coal than other parameters, or because the available data lent itself to more in-depth analysis.

To summarize, the dependent variables that have been examined, and the plant parameters that they relate to, include:

Plant Parameter	Dependent Variable Examined
Efficiency	Boiler efficiency and heat rate
Unit capacity	Peak power generated
Unit availability	Boiler availability and slagging outages
Maintenance costs	Maintenance costs
Operating costs	Operating labor costs

The following sections describe the analyses and results for each plant parameter and/or dependent variable.

Independent variables examined in most analyses to date have included quantity of coal fired, coal ash, coal sulfur, and coal moisture. These coal characteristics have received more attention because the data are available for the 18-year period of interest and they are commonly used parameters in coal selection and purchase decisions and are specified in coal contracts. Thus, among other things, they are of interest for determining penalties for delivering out-of-spec coal. In the continuing analysis efforts, other coal parameters are receiving attention.

Analysis by Groups of Units

TVA operates 12 stations where 63 coal-fired steam electric power plant units are located. At most TVA stations there are a number of similar boilers. However, at several stations there are more than one size and/or design of boilers.

For this analysis it was determined to group similar units at each site and to conduct most of the analyses using such boiler groups. Table 10 lists the 18 boiler groups that were established.

The group of units at the Allen plant was discounted from the analysis because TVA records are only available for the period since 1965, and during the 1966-1974 period Allen was fired with natural gas as well as coal. Thus, TVA data for coal firing alone only covers the 1974-1979 period.

Analysis Methodology

The methodology used in this study to obtain correlations between plant performance and coal characteristics was to examine each dependent variable (plant performance parameter) as it related to independent variables (coal characteristics), both singly and taken together. Questions that were asked include:

1. Does this dependent variable appear to be related to the independent variable?
2. If so, how strong is the relationship (or how much of the variability of the dependent variable does this independent variable explain)?

Standard statistical analysis packages are maintained on Battelle's computer so that, once the data was available to the computer, statistical analyses could be conducted at will. Hoffman-Muntner has a smaller computer with similar, but limited, capabilities.

The types of analyses that have been utilized to date include:

1. simple linear regression analysis
2. multiple linear regression analysis
3. exponential regression analysis
4. simple linear regression analysis by parts.

The first three analysis approaches generate equations of the form

1. $X = C_0 + C_1(V)$
2. $X - C_0 + C_1(V_1) + C_2(V_2) + C_3(V_3)$
3. $X = C_0 + C_1(V_1) + C_2(V_1^2)$

TABLE 10. TVA BOILERS, GROUPS OF SIMILAR UNITS

Group	Plant and Units
1	Allen 1-3
2	Bull Run 1
3-1	Colbert 1-4
3-2	Colbert 5
4	Cumberland 1-2
5-1	Gallatin 1-2
5-2	Gallatin 3-4
6	John Sevier 1-4
7-1	Johnsonville 1-6
7-2	Johnsonville 7-10
8-1	Kingston 1-4
8-2	Kingston 5-9
9-1	Paradise 1-2
9-2	Paradise 3
10	Shawnee 1-10
11	Watts Bar 1-4
12-1	Widows Creek 1-6
12-2	Widows Creek 7-8

The fourth analysis approach consisted of subdividing the data into two sets, 1961-1969 and 1970-1979, applying simple linear regression analyses to each set separately.

Heat Rate and Boiler Efficiency

Unit heat rate and boiler efficiency are thought to be affected by coal characteristics in the following ways:

- increased moisture in coal increases heat losses as the moisture is discharged as a vapor
- decreased heating values and increased ash mean that more ash is discharged from the unit as hot ash, increasing heat losses
- increased ash may produce deposits within the furnace and on convection passes that alter heat transfer and, thus, cause the plant to be operated at conditions different than the optimum for the plant.

Although heat rate is a more commonly used parameter than boiler efficiency for evaluating overall power plant performance, it may not be as suitable for evaluating the impact of changing coal characteristics. Heat rate includes the turbine and generator in the system whose performance is being evaluated. Therefore, reduced turbine or generator performance (e.g., damaged turbine blades) cannot be separated from reduced steam generator performance. Another consideration is that boiler and turbine-generator modifications would have a potential for causing changes in heat rate and boiler efficiency values.

For this study, both heat rate (gross) and boiler efficiency were used as measures of plant performance as related to coal characteristics.

Heat Rate Results

Figures 2, 3, 4, and 5 show plots of gross heat rate versus ash, sulfur, moisture, and ash plus sulfur for one group of TVA units (Johnsonville 1-6).

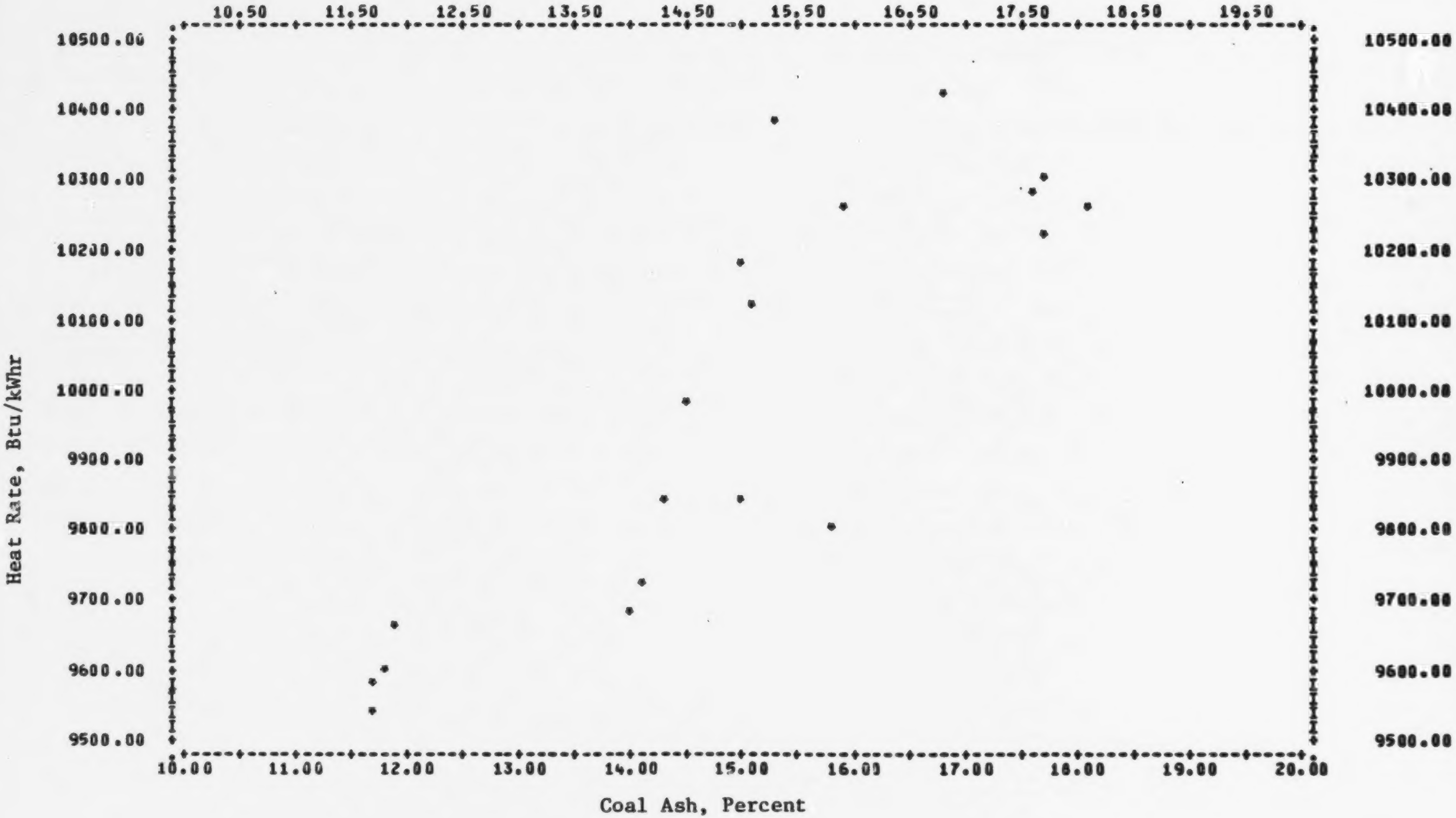

FIGURE 2. GROSS HEAT RATE VERSUS ASH, JOHNSONVILLE 1-6

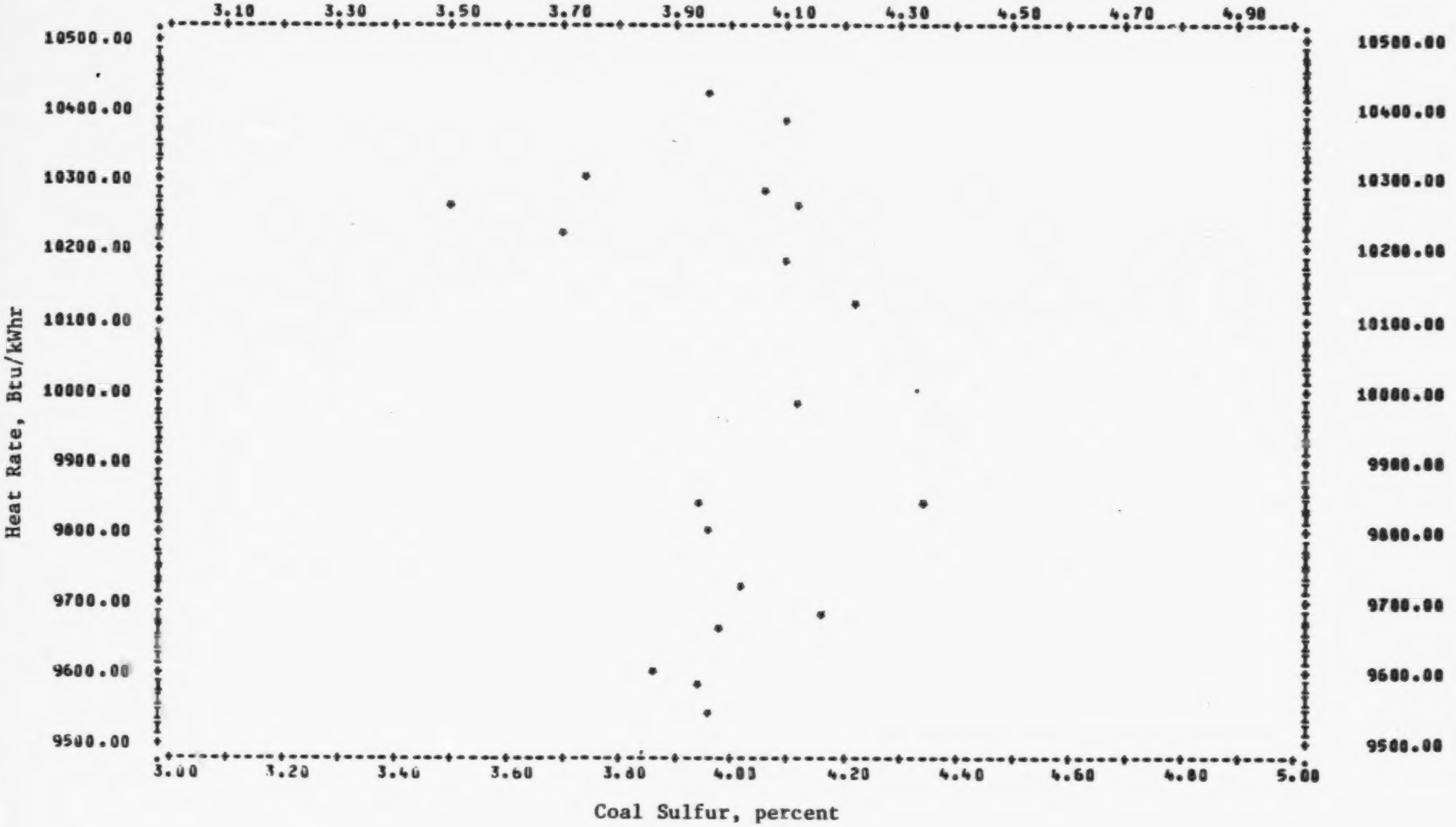

FIGURE 3. GROSS HEAT RATE VERSUS SULFUR,
JOHNSONVILLE, 1-6

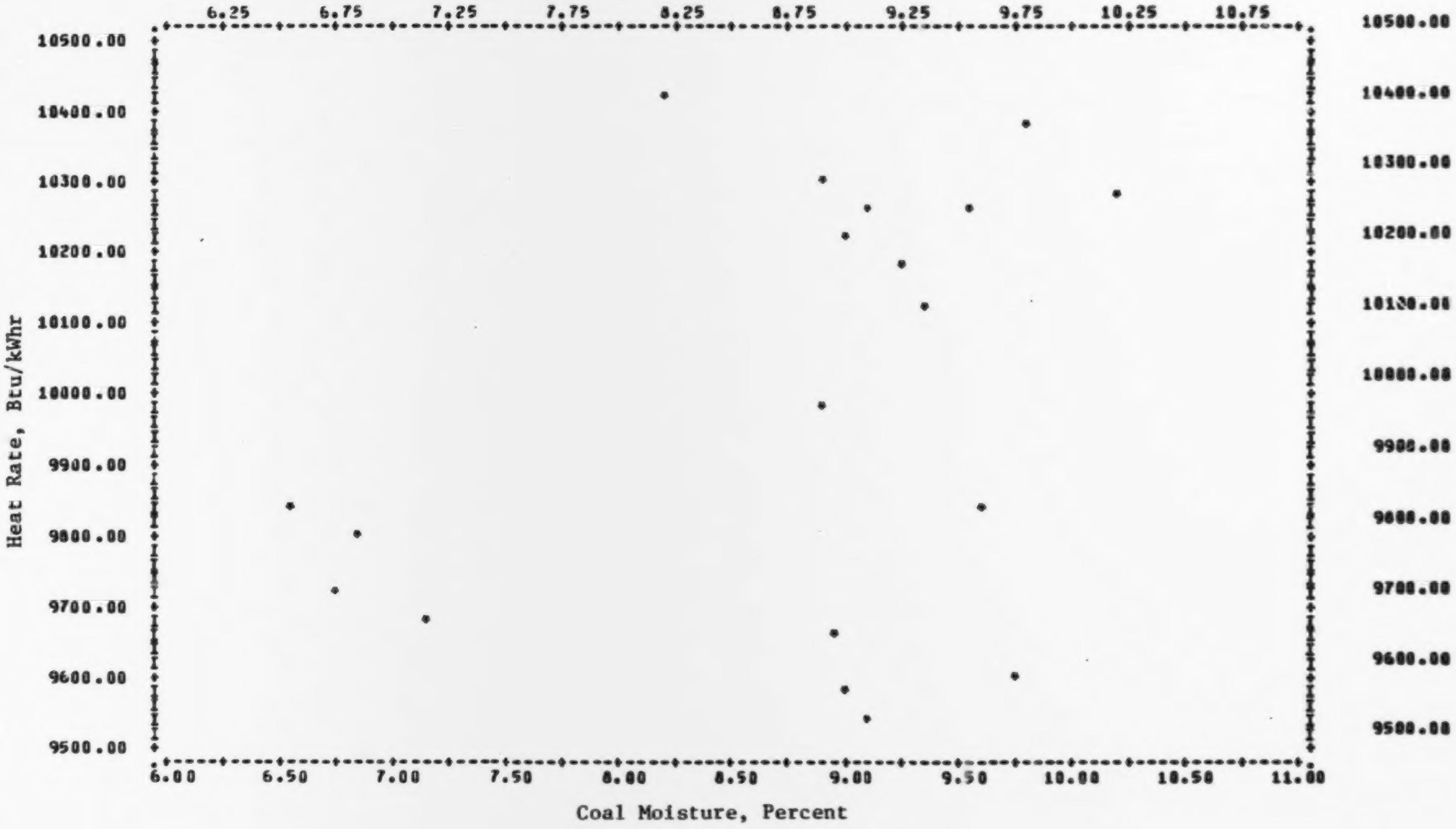

FIGURE 4. GROSS HEAT RATE VERSUS MOISTURE, JOHNSONVILLE 1-6

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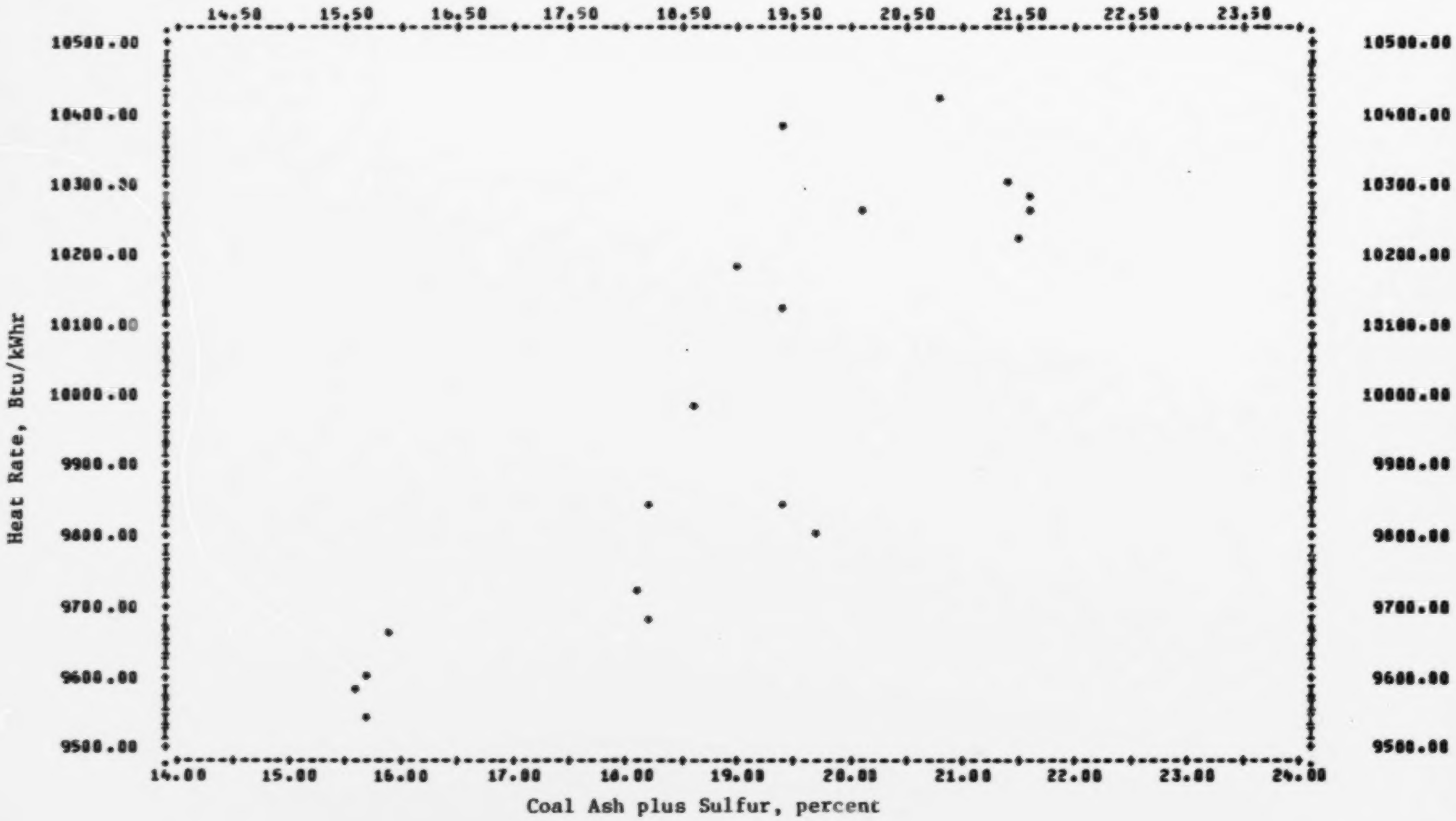

FIGURE 5. GROSS HEAT RATE VERSUS ASH PLUS SULFUR, JOHNSONVILLE 1-6

Heat rate shows a strong tendency to increase with increasing ash and moisture, but does not show a strong relationship to sulfur. Using simple linear regression analysis, the following results were obtained:

	Coal Characteristics			
	Ash	Sulfur	Moisture	Ash Plus Sulfur
Groups of units showing heat rate increasing as coal characteristic increased	15	5	14	13
Groups of units showing heat rate decreasing as coal characteristic increased	2	12	3	4
Average slope of heat rate versus coal characteristic for units showing an increase in heat rate, Btu/kwhr per percent change in coal characteristic	60.1	320	137	54.1
Highest R-square value for heat rate increasing with increasing coal characteristic	0.68	0.53	0.63	0.74

A multiple linear regression analysis with ash, sulfur, and moisture as independent variables, showed higher R-square values than any of the variables treated separately. For example, this analysis gave a 0.86 R-square value for Johnsonville 1-6. Other groups of units with high R-square values include Widows Creek 1-6, 0.82; Colbert 5, 0.78; John Sevier 1-4, 0.76; Colbert 1-4, 0.75; Paradise 1-2, 0.74; and Johnsonville 7-10, 0.72.

This analysis clearly shows, as expected, that increased ash and moisture in coal adversely affects plant heat rates. Sulfur has not been shown to impact heat rates adversely.

Boiler Efficiency Results

Figures 6, 7, 8, and 9 show plots of boiler efficiency versus ash, sulfur, moisture, and ash plus sulfur for one group of TVA units (Johnsonville 1-6).

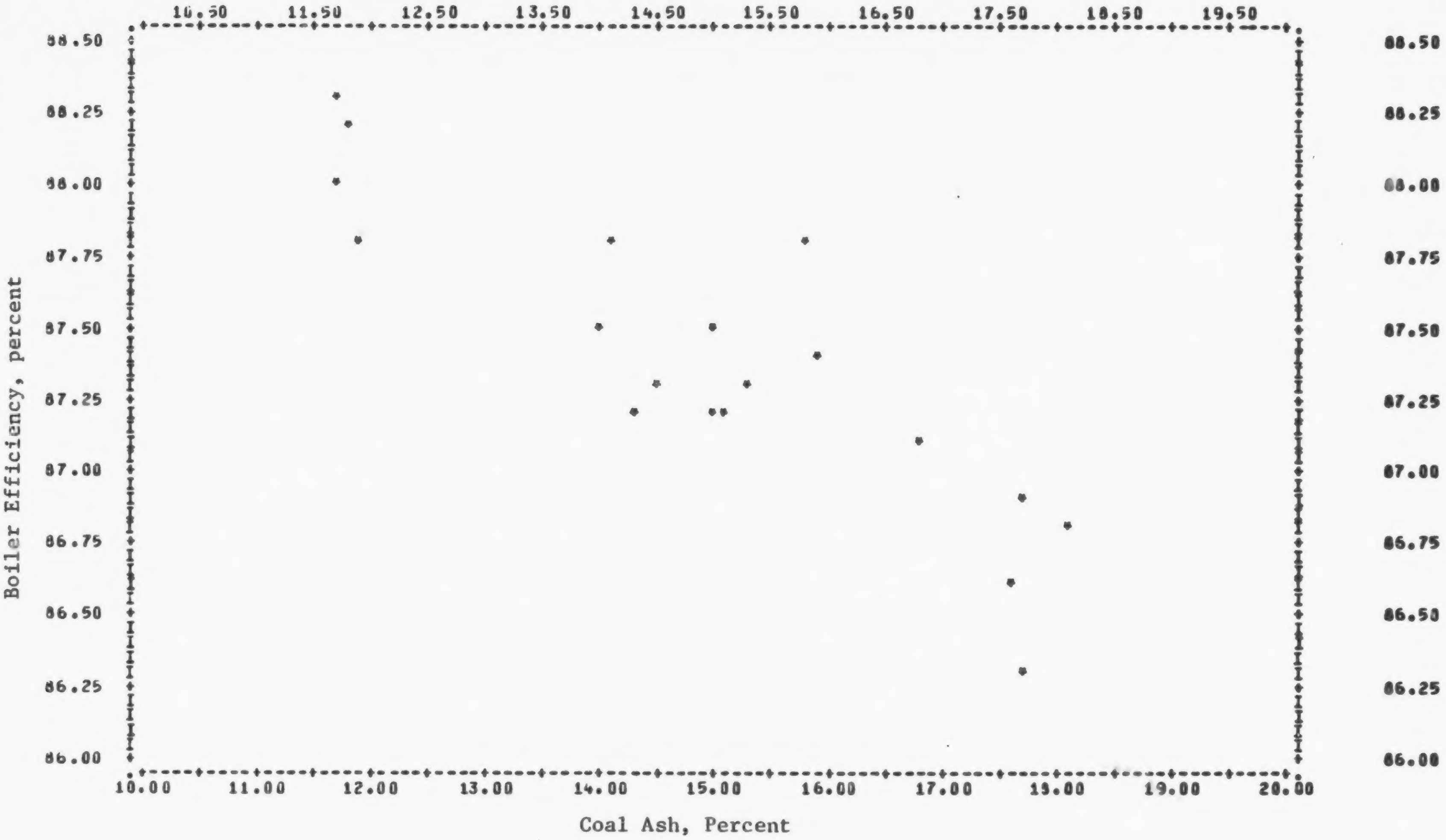

FIGURE 6. BOILER EFFICIENCY VERSUS ASH,
JOHNSONVILLE 1-6

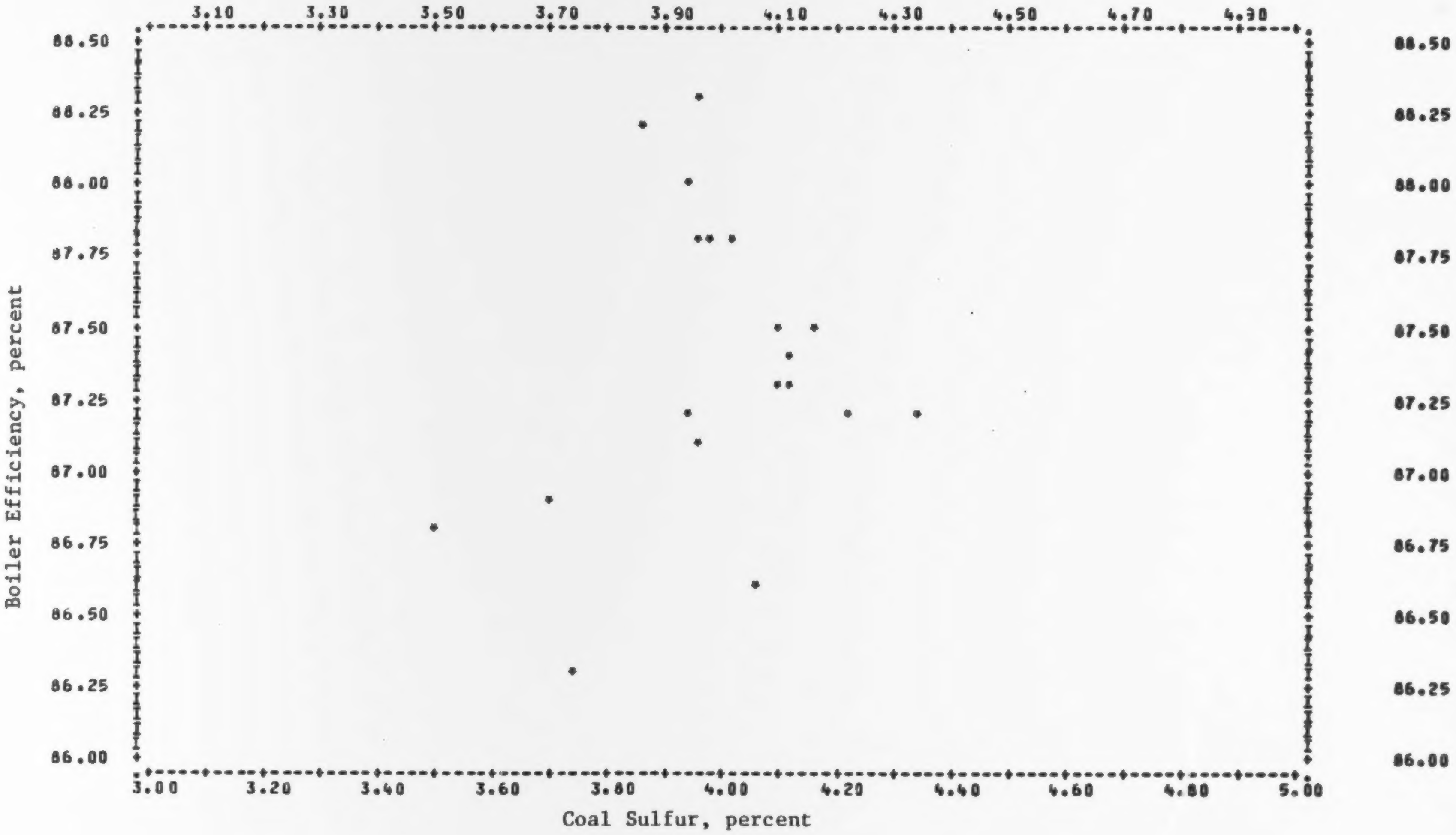

FIGURE 7. BOILER EFFICIENCY VERSUS SULFUR, JOHNSONVILLE 1-6

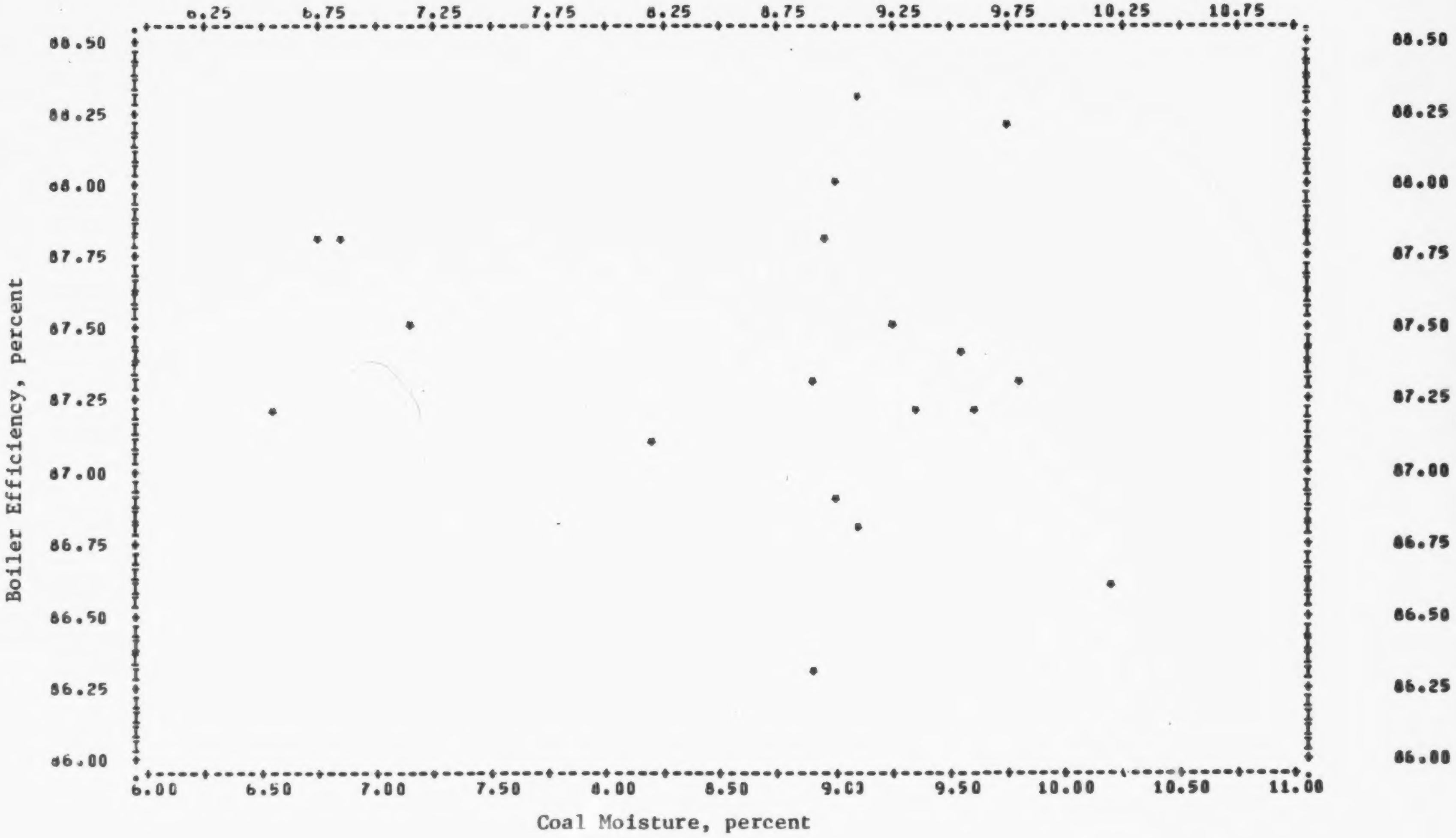

FIGURE 8. BOILER EFFICIENCY VERSUS MOISTURE,
JOHNSONVILLE, 1-6

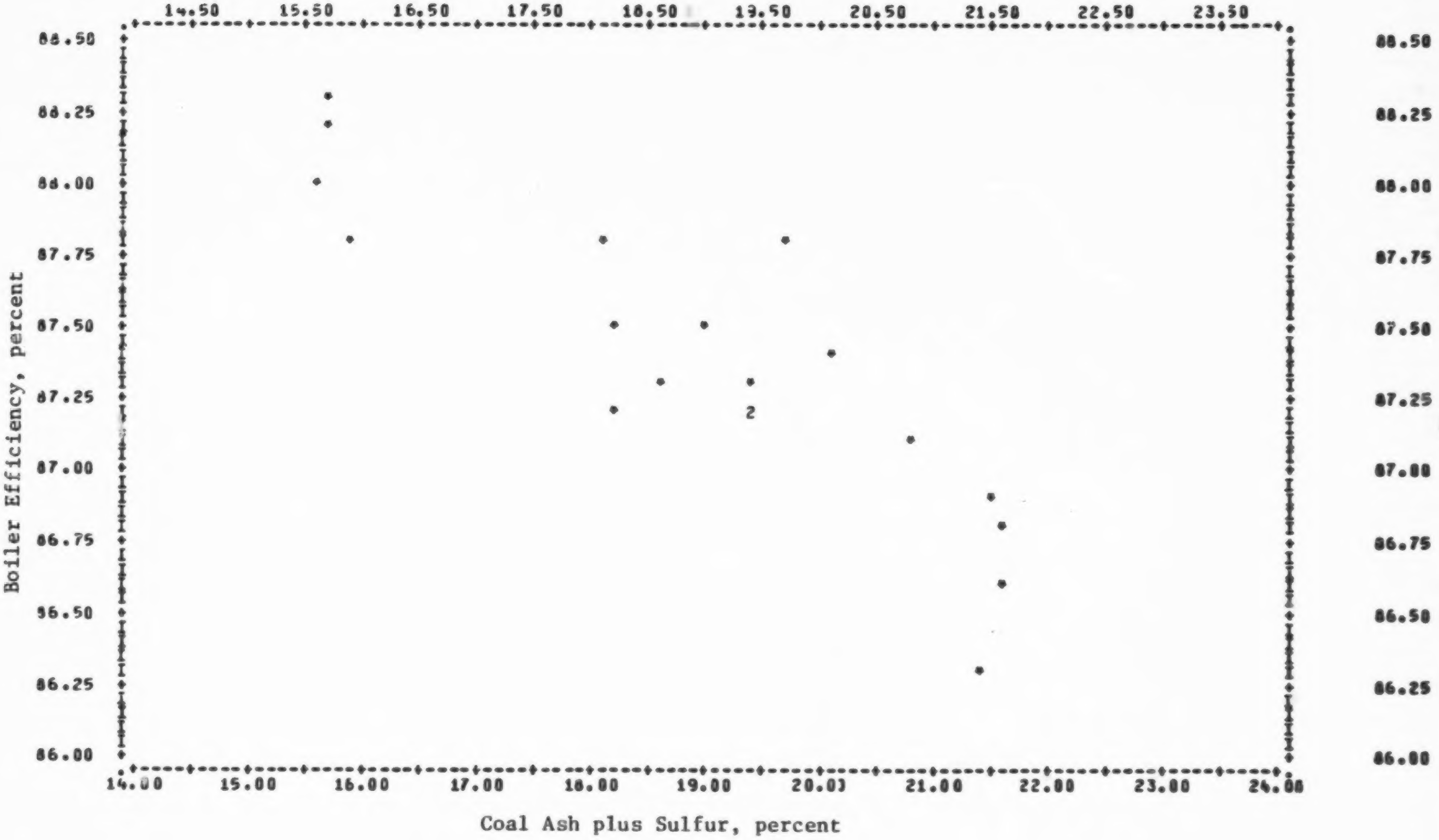

FIGURE 9. BOILER EFFICIENCY VERSUS ASH PLUS SULFUR, JOHNSONVILLE 1-6

Boiler efficiency shows the same trends to be adversely affected with coal characteristics as does heat rate. Increased ash and moisture were shown to reduce boiler efficiency, while increased sulfur did not consistently reduce boiler efficiency. A simple linear regression analysis produced the following results:

	Coal Characteristics			
	Ash	Sulfur	Moisture	Ash Plus Sulfur
Group of units showing boiler efficiency decreasing as coal characteristic increased	16	5	14	16
Groups of units showing boiler efficiency increasing as coal characteristic increased	1	12	3	1
Average slope of boiler efficiency versus coal characteristic for units showing a decrease in boiler efficiency, percent change in boiler efficiency per percent change in coal characteristic	0.10	0.49	0.25	0.08
Highest R-square value for boiler efficiency decreasing with increasing coal characteristic	0.78	0.69	0.69	0.76

A multiple linear regression analysis, first with ash and moisture and then with ash, sulfur, and moisture as independent variables, showed better correlations than any of the single variable analyses. The higher R-square values for these analyses included:

Ash and Moisture		Ash, Sulfur, and Moisture	
0.83	Johnsonville 7-10	0.83	Kingston 5-9
0.82	Kingston 5-9	0.81	Johnsonville 7-10
0.77	Johnsonville 1-6	0.78	Johnsonville 1-6
0.73	John Sevier 1-4	0.73	John Sevier 1-4
0.71	Shawnee 1-10	0.68	Shawnee 1-10

These results show that including sulfur as a variable in this analysis did not improve the relationship and, in fact, generally resulted in slightly lower R-square values.

These results demonstrate that increasing coal ash and moisture does reduce boiler efficiency, but that increased coal sulfur may have little impact on boiler efficiency.

Unit Capacity

Unit capacity (or peak generating capacity) is thought to be influenced by coal characteristics in several ways, including:

- furnace wall slagging, which reduces furnace wall heat transfer and increases steam superheat temperature
- pulverizer capacity, which may be insufficient for low grindability coals
- superheater deposits, which limit steam superheater temperatures.

Unit capacity also is dependent on boiler design--for example, fan capacity. However, once a unit is constructed and in operation, its capacity, over a long period of time, should not be dependent on non-coal factors. Of course, short term outages of equipment not exposed to coal or flue gas may temporarily limit capacity.

A problem encountered in trying to relate unit capacity to coal characteristics is obtaining data on peak unit capacity. Two types of capacity data were found:

1. Rated capacity
2. Peak capacity carried by the unit during each period of time (month or year).

The first value appears to be more of a regulatory value than an engineering or real value as it changed twice for many TVA units, and both changes occurred on January 1.

The second value is suspect as a measure of unit capacity in that it is only a value measure of capacity if the unit was taxed to full capacity (by system load) during each interval. Additionally, the peak capacity carried by the unit is the net value: the gross value would be preferred. However, this value is the only one that may reflect unit capacity and is reported on a regular basis. Hence, it has been used.

Unit Capacity Results

Figures 10, 11, and 12 show plots of peak net load versus ash, sulfur, and ash plus sulfur for one group of TVA units (Johnsonville 1-6).

Peak load (unit capacity) shows a definite tendency to decrease with increasing ash, but does not show any strong relationship to sulfur. Using simple linear regression analysis, the following was observed:

	Coal Characteristic		
	Ash	Sulfur	Ash Plus Sulfur
Groups of units showing peak load decreasing as coal characteristic increased.	13	8	12
Groups of units showing peak load increasing as coal characteristic increased.	4	9	5
Average slope of peak load versus coal characteristic for units showing a decrease in peak load, percent change peak capacity per percent change in coal characteristic.	0.64	4.45	0.54
Highest R-square value for peak load decreasing with increasing coal characteristic.	0.39	0.27	0.64

A multiple linear regression analysis, with ash and sulfur as independent variables, showed about the same trends. The best R-square value obtained was 0.71 for Bull Run.

The conclusion of this analysis to date is that unit capacity is reduced when coal ash increases, but the relationship is not strong. Sulfur has not been demonstrated to have a major impact on unit capacity, in spite of known tendencies of increased sulfur to limit capacity due to slagging.

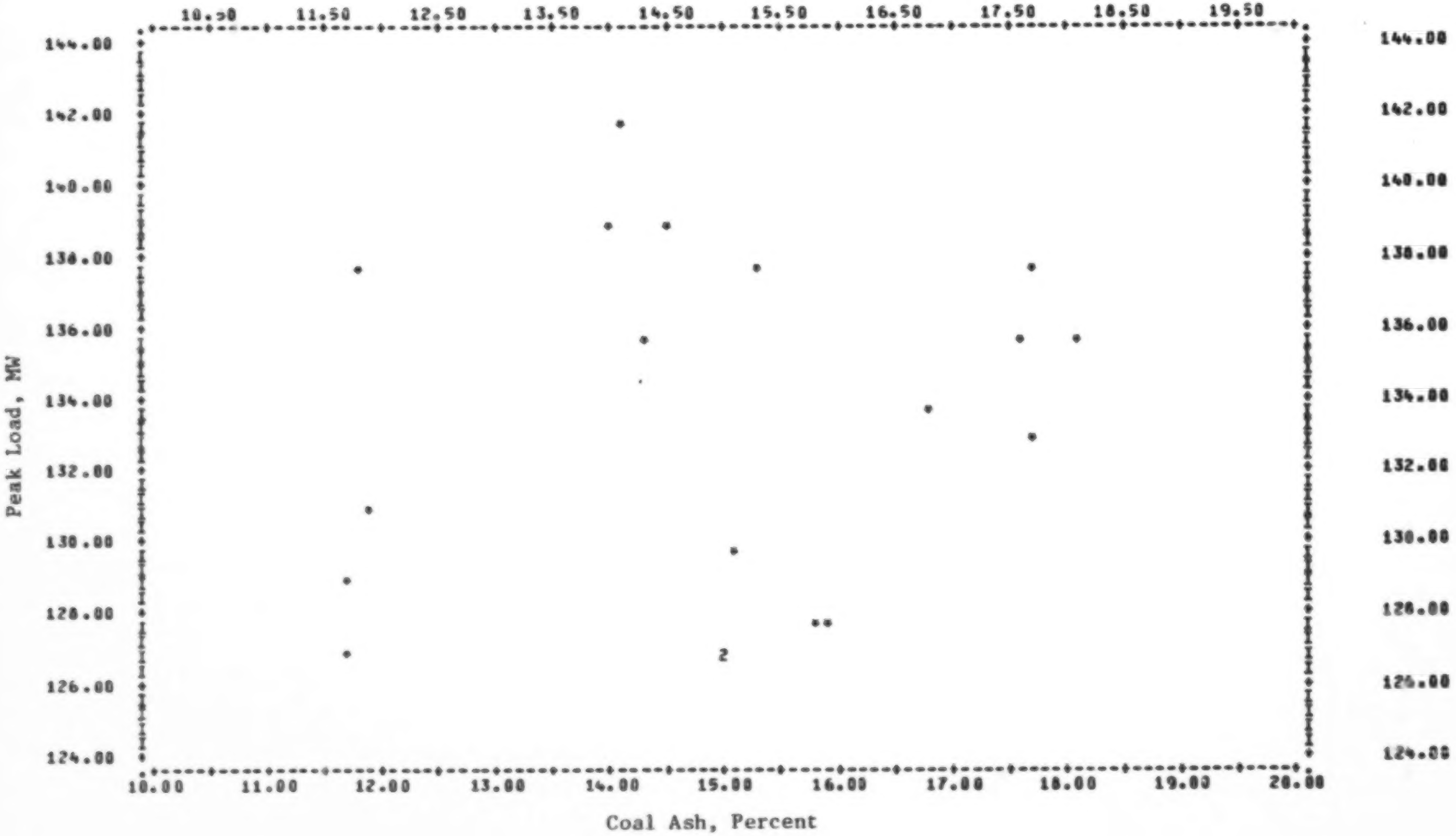

FIGURE 10. PEAK LOAD VERSUS ASH,
JOHNSONVILLE 1-6

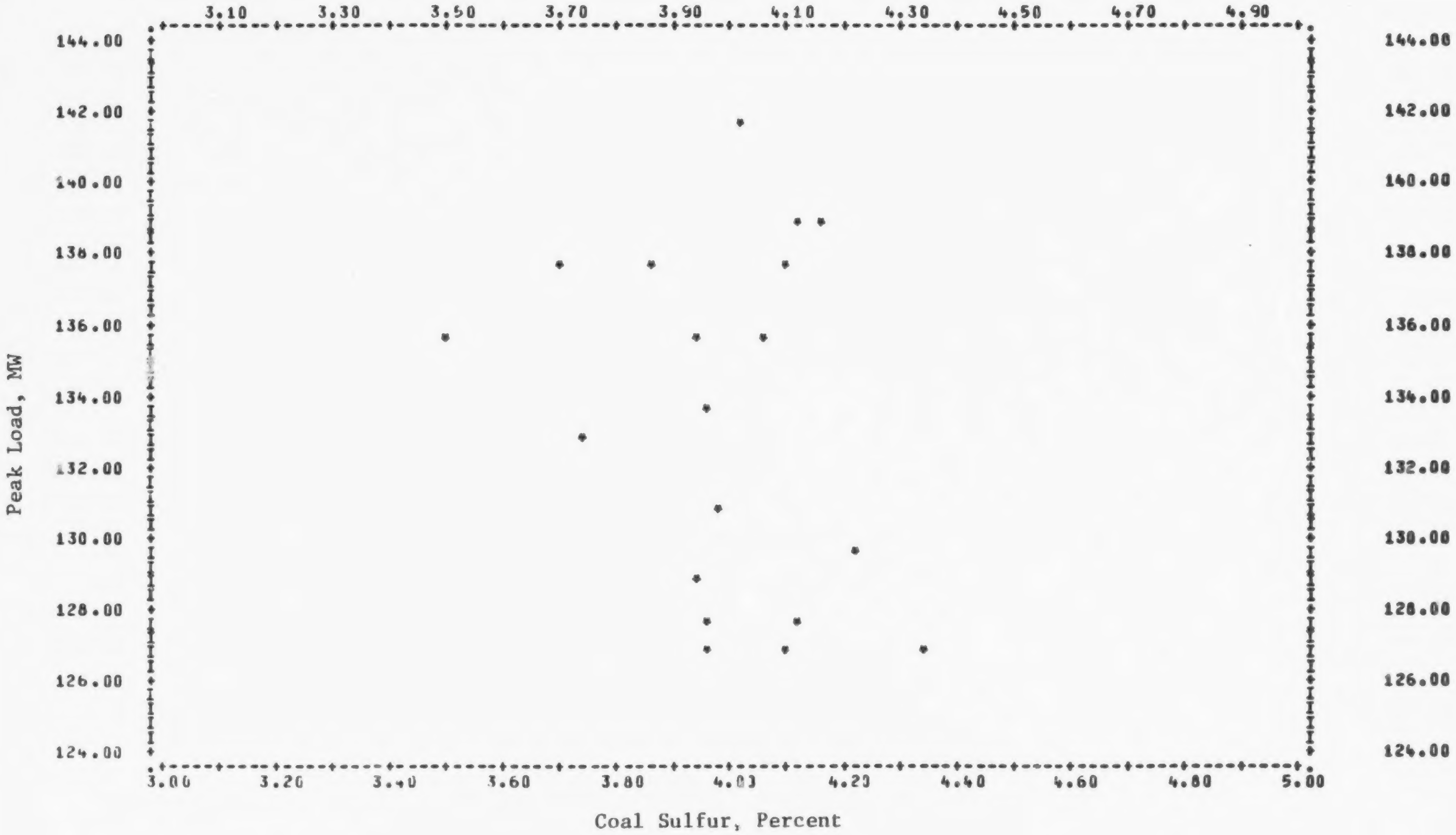

FIGURE 11. PEAK LOAD VERSUS SULFUR, JOHNSONVILLE 1-6

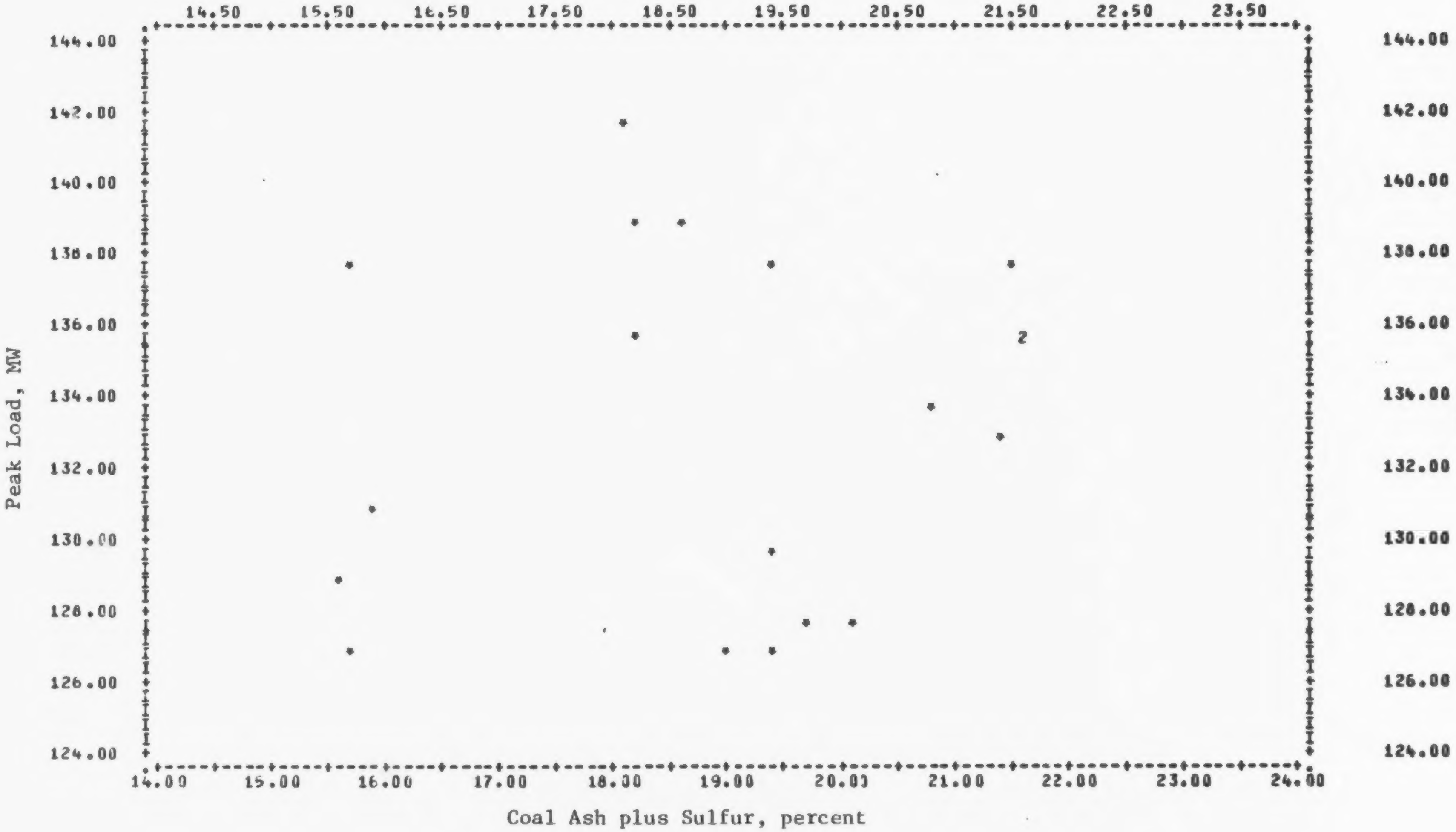

FIGURE 12. PEAK LOAD VERSUS ASH PLUS SULFUR, JOHNSONVILLE 1-6

Boiler Availability

Boiler availability is a function of both coal and non-coal factors. For example, increased corrosion and erosion problems usually related to higher ash content coals will result in the unit having higher outage rates due to tube failures, fan blade erosion, and other failures. However, many boiler outages are caused by non-coal equipment failures, such as boiler feedpump failures, condenser failures, induced draft fan failures, etc.

One might logically expect that non-coal failures (that reduce boiler availability) would be independent of changes in coal quality. Thus, if boiler availability changes with a change in coal characteristics, the change in boiler availability should be related to the shifting coal properties. However, non-coal equipment failures are likely to be dependent on other factors, including unit age (older components are more likely to fail), unit load (when the unit is pushed harder it is more likely to experience failures), maintenance outage patterns (longer intervals between maintenance outages are likely to result in increased failures between the maintenance outages). Each of these factors (age, load, and maintenance interval) has changed for the TVA boilers, and some of these changes have been concurrent with changes in coal characteristics. An example is boiler age which increased during the 1970's, at the same time that coal ash was gradually increasing. Thus, separating coal and non-coal related aspects of boiler availability is not necessarily possible.

Nevertheless, boiler availability is an important plant performance parameter for TVA units and, hence, it was examined to determine (1) if it appeared to be related to coal characteristics, and (2) what the relationship(s) might be.

Boiler Availability Results

Figures 13, 14, and 15 show plots for boiler availability versus ash, sulfur, and ash plus sulfur for one group of TVA units (Johnsonville 1-6).

Boiler availability does not show a strong relationship to coal ash and sulfur. Using simple linear regression analysis, the following results were observed:

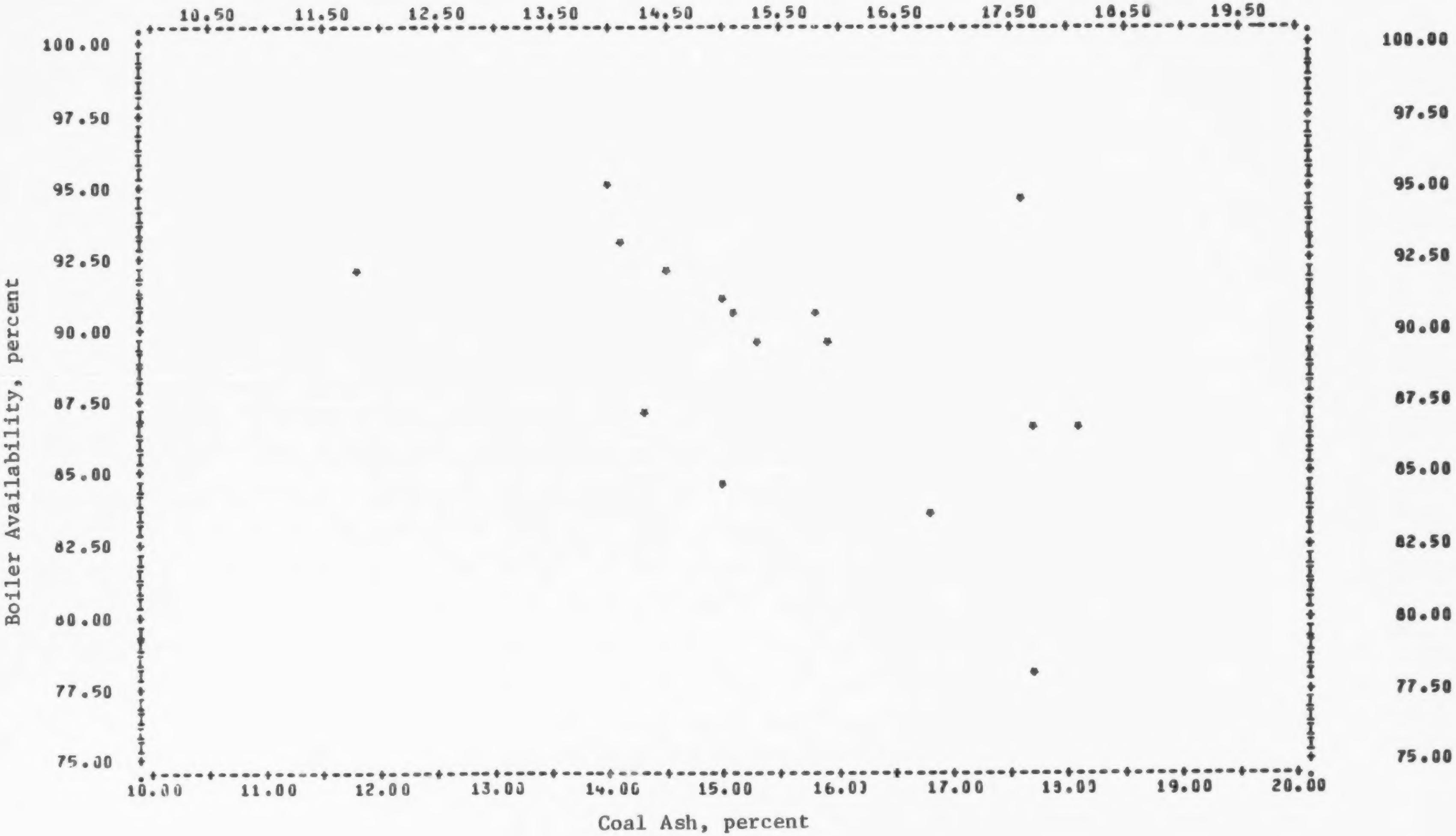

FIGURE 13. BOILER AVAILABILITY VERSUS ASH, JOHNSONVILLE 1-6

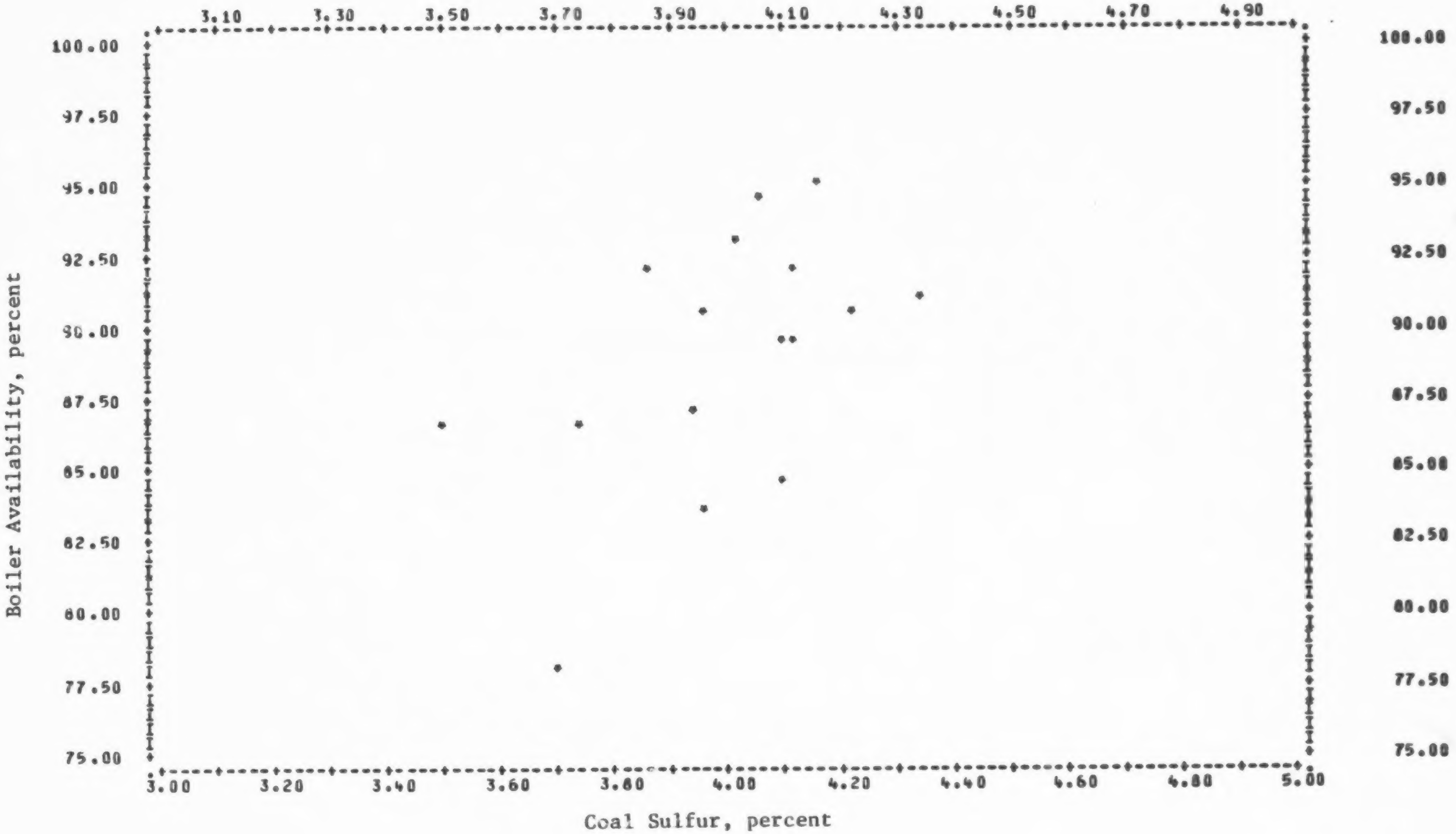

FIGURE 14. BOILER AVAILABILITY VERSUS SULFUR, JOHNSONVILLE 1-6

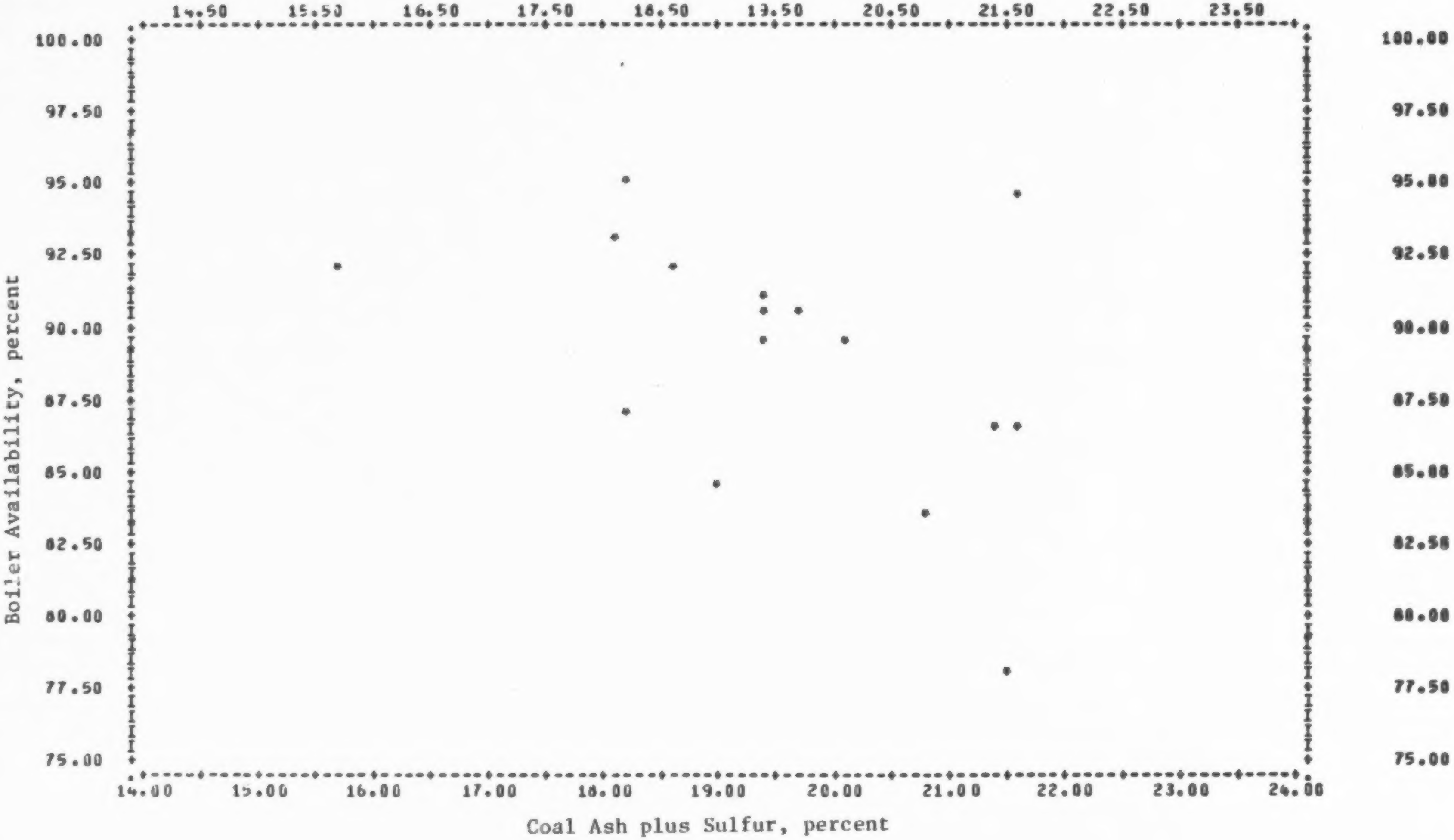

FIGURE 15. BOILER AVAILABILITY VERSUS ASH PLUS SULFUR, JOHNSONVILLE 1-6

	Coal Characteristic		
	Ash	Sulfur	Ash Plus Sulfur
Groups of units showing boiler availability decreasing as coal characteristic increased.	10	9	9
Groups of units showing boiler availability increasing as coal characteristics increased.	7	8	8
Average slope of boiler availability versus coal characteristic for units showing a decrease in boiler availability, percent decrease in availability per percent change in coal characteristic.	1.2	4.8	0.9
Highest R-square value for boiler availability decreasing with increasing coal characteristic.	0.27	0.21	0.31

The multiple linear regression analysis, with ash and sulfur as independent variables, showed little better relationships between boiler availability and coal characteristics. Only three groups of units showed boiler availability to decrease with both ash and sulfur. The best R-square value was the 0.40 obtained for Johnsonville 7-10.

The conclusion of the analysis to date is that either boiler availabilty is not as dependent on coal characteristics as might be expected, or, the important variables have not been considered.

Outages

As a further analysis of boiler availability (or lack thereof), a search has begun for relationships between outages, as tabulated for selected outage categories, and coal characteristics. The two outage categories receiving the most attention to date have been pulverizer outages and slagging outages.

Pulverizer outages were selected for examination because (1) pulverizer outages might be expected to be affected by changes in coal characteristics, (2) the large number of pulverizer outages reported gave a good data base for analysis, and (3) pulverizer outages are believed to be a significant problem to plant operation. The analysis of pulverizer outages has not been too fruitful to date, possibly because a large number of non-coal related outages also may occur. This analysis is being continued.

Slagging outages were analyzed because changes in slagging frequency and severity, for a given plant operating at a given load, outage is expected to be almost entirely related to changes in coal characteristics. Unfortunately, changes in load patterns may obscure the effect of changes in coal characteristics. Thus, the slagging outage analysis has produced mixed results to date.

Tables 11 through 18 show results of one analysis of slagging outages. In these tables the months in which slagging outages were reported are related to coal ash, coal sulfur, and average monthly firing rate. The comparisons are not made to ash, sulfur, and firing rate directly, but are expressed in terms of the design values. Results are reported for only the eight groups of units reporting a significant number of slagging outages.

Reviewing the results tabulated in Tables 11 through 18, in nearly every case the occurrence of slagging outages increased as the ash content of the coal increased. The sum of these data for all eight groups of units are as follows:

SLAGGING OUTAGES VERSUS COAL ASH FOR 8 GROUPS OF TVA UNITS

	Coal Ash			
	Less Than Design	Design to Design + 10 Percent	Design + 10 Percent to Design + 20 Percent	Design + 20 Percent to Greater Values
Month Without Slagging Outages	445	287	227	190
Percent of Total Months	91	86	67	58
Months With Slagging Outages	46	46	113	140
Percent of Total Months	9	14	33	42
Total Months	491	333	340	330

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Union Calendar No. 619

97th Congress
2d Session

HOUSE OF REPRESENTATIVES

Report
No. 97-1000

COMPLETED

124

ORIGINAL

REPORT ON THE ACTIVITIES
OF THE
COMMITTEE ON EDUCATION AND LABOR
DURING THE
97th Congress

January 3, 1983.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
13-703 O WASHINGTON : 1982

I

COMMITTEE ON EDUCATION AND LABOR

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LETTER OF TRANSMITTAL

House of Representatives,
Committee on Education and Labor,
Washington, D.C., December 30, 1982.

Hon. Edmund L. Henshaw, Jr.,
Clerk of the U.S. House of Representatives,
Washington, D.C.

Dear Mr. Clerk: Pursuant to Rule XI, clause 1, paragraph (d) of the Rules of the U.S. House of Representatives, I am hereby transmitting the Activities Report of the Committee on Education and Labor for the 97th Congress. This report summarizes the activities of the Committee and its subcommittees with respect to the legislative and oversight responsibilities and has been prepared under by direction by the staff of the Committee and its subcommittees.

This report has not been officially adopted by the Committee on Education and Labor or any subcommittee thereof and may not therefore necessarily reflect the views of its Members.

Respectfully,

Carl D. Perkins, *Chairman.*

Enclosure.

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IV

INTRODUCTION

The Rules of the Education and Labor Committee for the 97th Congress provide for referral of all matters under the Committee's jurisdiction to a subcommittee. Eight standing subcommittees with specified jurisdiction are established by the Rules. Rule 18 of the Committee Rules assigns oversight responsibilities to each of the eight standing subcommittees according to the legislative jurisdiction of each subcommittee as set forth in Rule 4 of the Committee Rules.

The jurisdiction of the House Education and Labor Committee as set forth in Rule X of the Rules of the House of Representatives is as follows:

EXTRACT FROM RULE X, RULES OF THE HOUSE OF REPRESENTATIVES CONTAINING JURISDICTION OF COMMITTEE ON EDUCATION AND LABOR

1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4; and all bills, resolutions, and other matters relating to subjects within the jurisdiction of any standing committee as listed in this clause shall (in accordance with and subject to clause 5) be referred to such committees, as follows:

* * * * * * *

(g) Committee on Education and Labor.

(1) Measures relating to education or labor generally.

(2) Child labor.

(3) Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital.

(4) Convict labor and the entry of goods made by convicts into interstate commerce.

(5) Labor standards.

(6) Labor statistics.

(7) Mediation and arbitration of labor disputes.

(8) Regulation or prevention of importation of foreign laborers under contract.

(9) Food programs for children in schools.

(10) United States Employees' Compensation Commission.

(11) Vocational rehabilitation.

(12) Wages and hours of labor.

(13) Welfare of miners.

(14) Work incentive programs.

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the special oversight function provided for in clause 3(c) with respect to domestic educational programs and institutions, and programs of student assistance, which are within the jurisdiction of other committees.

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97TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 97–1000

REPORT ON THE ACTIVITIES OF THE COMMITTEE ON EDUCATION AND LABOR DURING THE 97TH CONGRESS

JANUARY 3, 1983.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. PERKINS, from the Committee on Education and Labor, submitted the following

REPORT

HEARINGS CONDUCTED DURING THE 97TH CONGRESS

During the 97th Congress, the Committee held 285 days of legislative and oversight hearings as follows:

FULL COMMITTEE ON EDUCATION AND LABOR

Oversight hearings on the effects of the Administration's proposed funding cutbacks on programs within the Committee's jurisdiction—March 24, 25, 26, 31; April 1, 2, 6, 29; May 19, 20, 1981.

Oversight hearings on the Administration's budget proposals for fiscal year 1983—March 2, 3, 8, 11, 1982.

SUBCOMMITTEE ON ELEMENTARY, SECONDARY AND VOCATIONAL EDUCATION

H.R. 66, To extend the authorization of appropriations under the Vocational Education Act of 1963—February 24, 25, 26; March 3, 13 (in Ashland, Ky.), 14 (in Lexington, Ky.); October 14, 21; November 12, 13, 19, 20; December 9, 10, 16, 17, 1981.

Oversight hearings on the Vocational Education Act—March 4, 5, 1981.

Oversight hearings on the impact of the Administration's fiscal year 1982 budget proposals on the child nutrition programs—March 10, 11, 12, 18, 19, 1981.

Oversight hearings on child nutrition—March 13 (in Ashland, Ky.), 14 (in Lexington, Ky.), 1981.

Oversight hearing on Federal library programs—April 7 (Jointly with Subcommittee on Postsecondary Education), 1981.

Oversight hearing on impact aid—April 8, 1981.

H.R. 1598, Elementary School Guidance and Counseling Incentive Act—April 9, 1981.

H.R. 3076, Consolidated Refugee Education Asistance Act—April 30, 1981.

Oversight hearing on reading and writing achievement.—May 7, 1981.

Oversight hearings on private schools—May 13, 14; September 16, 22, 23, 1981.

H.R. 3645, Elementary and Secondary Education Consolidation Act of 1981—May 28 (Jointly with Subcommittee on Select Education), 1981.

Oversight hearing on the major differences between education and child nutrition provisions of the House and Senate budget reconciliation bills—July 14, 1981.

H.R. 1662, Educational Testing Act of 1981—July 21, 22; November 4, 5, 1981 (Jointly with Subcommittee on Postsecondary Education).

Oversight hearings on meal pattern changes in the school lunch program—September 17, 18, 1981.

Oversight hearing on the Education Consolidation and Improvement Act of 1981—October 6, 1981.

H.R. 2954, Alien Education Impact Aid Act of 1981—October 20, 1981.

Oversight hearings on the impact of Federal cutbacks in the school lunch program—October 22; November 17, 18, 1981; January 16 (in Harrisburg, Ill.), 18 (in Fond du Lac and Cleveland, Wis.), 19 (in Rochester and Red Wing, Minn.), 1982.

Oversight hearings on urban education—October 27, 28; November 6 (in Los Angeles, Calif.), 1981.

Oversight hearing on the Department of Defense Overseas Schools—October 29 (Jointly with Subcommittee on Investigations of the Committee on Post Office and Civil Service), 1981.

H.R. 4974, Vocational Guidance Act of 1981—November 19, 1981.

Oversight hearings on title I of the Elementary and Secondary Education Act—January 16 (in Harrisburg, Ill.), 18 (in Fond du Lac and Cleveland, Wis.), 19 (in Rochester and Red Wing, Minn.), 1982.

Oversight hearings on the impact of Federal budget cuts on vocational education—January 16 (in Harrisburg, Ill.), 18 (in Fond du Lac and Cleveland, Wis.), 19 (in Rochester and Red Wing, Minn.), 1982.

Oversight hearings on the impact of Federal budget cuts on local school districts—February 2, 19 (in Ashland, Ky.), 20 (in Lexington, Ky.), 1982.

Oversight hearing on the phasing out of assistance to college students under the Social Security program, and its impact on other student aid programs—February 3 (Jointly with Subcommittee on Postsecondary Education), 1982.

Oversight hearings on the Administration's fiscal year 1983 budget proposals for child nutrition—March 16, 17, 18, 22 (in New York, N.Y.); April 24 (in Flint, Mich.), 1982.

Oversight hearings on the impact of the Administration's proposed budget cuts on title I (ESEA) programs—March 23, 24, 25; April 24 (in Flint, Mich.), 1982.

Oversight hearings on the impact of the Administration's proposed budget cuts on vocational education—March 30, 31; April 1, 24 (in Flint, Mich.), 1982.

H.R. 5820, Electronic and Computer Technician Vocational Education Incentive Grants Act—April 16 (in San Francisco, Calif.), 1982.

Oversight hearing on impact aid—April 21, 1982.

H.R. 66, To extend the authorization of appropriations under the Vocational Education Act of 1963—April 29; May 5 (Jointly with Subcommittee on Select Education); June 8, 16, 23; July 22; August 3, 18, 1982.

Oversight hearings on the Administration's vocational education consolidation proposal—May 6, 18, 19, 1982.

H.R. 5818, National Diffusion Network Act—June 9, 1982.

H.R. 5658, To provide Federal grants to assist elementary and secondary schools to carry on programs to teach the principles of citizenship—July 21, 1982.

Oversight hearings on the Texas bilingual education audits—July 29, 1982.

H.R. 2954, Alien Education Impact Aid Act of 1981—August 10, 1982.

Oversight hearings on the effectiveness of education and human service programs at the State and local level—September 1 and 2, 1982 (jointly with Subcommittee on Human Resources and Subcommittee on Postsecondary Education, in Raleigh-Chapel Hill, N.C.).

Oversight hearing on educational technology—September 14, 1982 (jointly with Subcommittee on Select Education).

Oversight hearing on the future of education—September 15, 1982.

H. Con. Res. 384, urging the continuation of Federal involvement in child nutrition programs—September 21, 22, 1982.

H.R. 6985, Older Americans Vocational Education Act—September 23, 1982.

H.R. 5742, H.R. 6656, H.R. 6674, H.R. 6775, H.R. 6950, and H.R. 7135, legislation to authorize mathematics and science education programs—September 28, 29 (jointly with Subcommittee on Postsecondary Education), 30, 1982.

H.R. 7336, to make certain technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981—December 2, 1982.

SUBCOMMITTEE ON EMPLOYMENT OPPORTUNITIES

Oversight hearings on equal employment opportunity and affirmative action—July 15; August 11 (in Chicago, Ill.), 14 (in Los Angeles, Calif.); September 23, 24; October 7, 1981.

Oversight hearing on the Full Employment and Balanced Growth Act—August 13 (in Los Angeles, Calif), 1981.

Oversight hearings on the relationship between unemployment and crime—October 27 and 28 (jointly with Subcommittee on Crime of the Committee on the Judiciary), 1981.

Oversight hearing on the reauthorization of CETA—November 2 (in Brattleboro, Vt.), 1981.

H.R. 1454, Civil Rights Amendments Act of 1981—January 27, 1982.

H.R. 5320, H.R. 5461, and H.R. 5533, legislation to authorize employment and training programs—March 8 (in New York, N.Y.); 15, 16, 17 and 18 (jointly with the Senate Subcommittee on Employment and Productivity of the Committee on Labor and Human Resources), 1982.

Oversight hearing on equal opportunity in the National Football League—June 10, 1982.

H.R. 6576, Prohibition of Mandatory Retirement and Employment Rights Act of 1982—September 9, 1982.

H.R. 6618, Defense Economic Adjustment Act—October 12 (in New York City), 1982.

SUBCOMMITTEE ON LABOR-MANAGEMENT RELATIONS

Oversight hearings on proposed Department of Labor regulations affecting the Service Contract Act—November 4, 5; December 10, 1981.

Oversight hearings on the Employee Retirement Income Security Act—November 16 (in New York, N.Y.); December 9, 1981.

Oversight hearing on the effects of budget cuts on the Bureau of Labor Statistics as well as proposed changes in the computation of the Consumer Price Index—December 8, 1981.

H.R. 4046, To amend the Employee Retirement Income Security Act of 1974 to insure that the Hawaii Prepaid Health Care Act will not be preempted and to direct the Department of Labor to study the feasibility of extending coverage to all other State health plans—January 7 and 8 (in Honolulu, Hawaii), 1982.

Oversight hearings on the Employee Retirement Income Security Act—January 29 (in San Francisco, Calif.); March 5 (in Chicago, Ill.), 1982.

H.R. 4928, Legislation to provide for pension reform for state and local public employee retirement systems—February 3, 8, 198.

Oversight hearing on payment of Medicare funds to labor-management consultants—April 1, 1982.

Oversight hearings on pension investment in the housing industry—August 31 and September 1, 1982 (in San Francisco, Calif.).

H.R. 1641, 6462, H.R. 3632, Legislation to amend the Employee Retirement Income Security Act of 1974—October 14 (in San Francisco, Calif.), 1982.

H.R. 1641, H.R. 1979, H.R. 3632, H.R. 6226, and S. 1785, Legislation under the Subcommittee's jurisdiction—December 13, 1982.

SUBCOMMITTEE ON HEALTH AND SAFETY

Oversight hearings on the Occupational Safety and Health Act—March 4, 31; April 7, 8; May 19, 27; July 8, 14, 21; October 6, 1981.

Oversight hearings on the proposed transfer of the National Institute for Occupational Safety and Health from Rockville, Md. to Atlanta, Ga.—July 28; September 15, 1981.

Oversight hearings on the coal mine disasters which occurred in December of 1981 and January of 1982—February 23; March 2, 9, 16, 23; May 4, 1982.

Oversight hearings on the Occupational Safety and Health Act—March 30; May 25; June 22; July 13, 20, 27; August 10; September 21, 28, 1982.

SUBCOMMITTEE ON HUMAN RESOURCES

Oversight hearing on Head Start transportation policy—February 25, 1981.

Oversight hearing on juvenile restitution programs—March 3, 1981.

H.R. 2437, To amend the Domestic Volunteer Service Act of 1973 to extend the authorization of appropriations for the national older Americans volunteer programs—March 19, 1981.

Oversight hearing on the reauthorization of the Older Americans Act—April 3 (in St. Joseph, Mo.), 1981.

H.R. 3045, Economic Opportunity Act Amendments of 1981—April 28, 1981.

H.R. 3046, Older Americans Act Amendments of 1981—April 29, 1981.

Oversight hearing on the termination of the Community Services Administration—September 30, 1981.

Oversight hearing on "Head Start: Directions for the Next Three Years", a policy position paper issued by the Administration on Children, Youth and Families—February 23, 1982.

Oversight hearing on the proposed elimination of employment programs authorized under title V of the Older Americans Act—March 24, 1982.

Oversight hearing on the Office of Juvenile Justice and Delinquency Prevention—March 31; December 17, 1982.

Oversight hearing on the Runaway and Homeless Youth Program—May 5, 1982.

Oversight hearings on the effectiveness of education and human service programs at the State and local level—September 1 and 2, 1982 (Jointly with the Subcommittee on Elementary, Secondary and Vocational Education and Subcommittee on Postsecondary Education, in Raleigh-Chapel Hill, N.C.).

SUBCOMMITTEE ON POSTSECONDARY EDUCATION

Oversight hearings on the impact of proposed budget reductions on higher education and arts and humanities programs—February 24, 25, 26; March 2 (in New York City), 6 (in Carbondale, Ill.), 11, 1981.

Oversight hearing on the Administration's regulations for the Family Contribution Schedule—March 23, 1981.

Oversight hearing on Federal library programs—April 7 (Jointly with Subcommittee on Elementary, Secondary and Vocational Education), 1981.

Oversight hearing on student loan collections—May 19, 1981.

H.R. 3144, To provide for the conveyance of certain lands to the D-Q University in the State of California—May 20; July 19, 1981.

H.R. 3598, Carl Albert Congressional Research and Studies Center Endowment Act—July 9, 1981.

H.R. 3231, National Security and Economic Growth Through Foreign Language Improvement Act—July 14, 15; September 25 (in New Haven, Conn.), 1981.

H.R. 1662, Educational Testing Act of 1981—July 21, 22; November 4, 5, 1981 (Jointly with Subcommittee on Elementary, Secondary and Vocational Education).

Oversight hearing on tribally-controlled Indian community colleges—July 23, 1981.

Oversight hearings on problems and prospects in teacher education—September 9, 10, 1981.

Oversight hearings on the Library Services and Construction Act—September 15, 25 (in New Haven, Conn.); October 19 (in Cleveland, Ohio); November 9 (in Kansas City, Mo.); December 7 (in San Francisco, Calif.), 1981.

Oversight hearing on student financial aid programs—October 15, 1981.

Oversight hearing on title III of the Education Amendments of 1980—November 12, 1981.

Oversight hearings on the current status and administration of Federal student assistance programs—January 27, 28; February 2, 3, 4, 1982.

Oversight hearing on the phasing out of assistance to college students under the Social Security program, and its impact on other student aid programs—February 3 (Jointly with Subcommittee on Elementary, Secondary and Vocational Education), 1982.

Oversight hearing on problems and prospects in teacher education—February 23, 1982.

Oversight hearings on the impact of the Administration's budget proposals on higher education—March 2, 3, 10, 1982.

Oversight hearings on the impact of the Administration's budget proposals on the National Foundation on the Arts and Humanities—March 4, 5 (in New York, N.Y.), 1982.

Oversight hearing on the impact of the Administration's budget proposals on libraries—March 10, 1982.

Oversight hearings on reauthorization of the Tribally-Controlled Community College Assistance Act—March 18; May 4, 1982.

Oversight hearing on college endowments—April 22, 1982.

Oversight hearing on the National Commission on Libraries and Information Sciences—April 27, 1982.

Oversight hearings on the Department of Education's enforcement of title VI of the Civil Rights Act and title IX of the Education Amendments of 1972—May 12, 13, 19, 1982.

H.J. Res. 429, To establish State commissions on teacher excellence—May 18, 1982.

H.R. 6182, United States Academy of Peace Act—July 20, 1982 (Jointly with Subcommittee on International Security and Scientific Affairs and Subcommittee on International Operations of the Committee on Foreign Affairs).

H.R. 6190, To amend title 38, United States Code, to provide that educational assistance provided by the Veterans' Administration under the GI Bill shall be disregarded in determining the needs or qualifications of any person under any educational assistance program financed in whole or in part with the federal funds—August 4, 1982 (Jointly with Subcommittee on Education, Training and Employment of the Committee on Veterans' Affairs).

Oversight hearing on the academic year 1983–84 Family Contribution Schedule and delays in processing fiscal year 1982–83 Pell Grant applications—August 5, 1982.

Oversight hearing on the Department of Education's proposed National Direct Student Loan regulations—August 18, 1982.

Oversight hearings on the effectiveness of education and human service programs at the State and local level—September 1 and 2, 1982 (Jointly with Subcommittee on Elementary, Secondary and Vocational Education and Subcommittee on Human Resources, in Raleigh-Chapel Hill, N.C.).

Oversight hearing on Hispanic higher education—September 16, 1982.

Oversight hearing on literacy education and its impact on colleges and universities—September 21, 1982.

H.R. 5742, H.R. 6656, H.R. 6674, H.R. 6775, H.R. 6950 and H.R. 7135, Legislation on mathematics and science education—September 29 (Jointly with Subcommittee on Elementary, Secondary and Vocational Education), 1982.

Oversight hearing on adult literacy—December 2, 1982.

SUBCOMMITTEE ON LABOR STANDARDS

Oversight hearing on the impact of the proposed fiscal year 1981 budget reductions and fiscal year 1982 budget requests on programs within the Subcommittee's jurisdiction—March 11, 1981.

Oversight hearing on the impact of compensation costs on workplace health standards—April 9, 1981.

Oversight hearings on occupational diseases compensation—April 23 (in San Francisco); October 6, 1981.

Oversight hearing on small business and minority problems—April 29 (Jointly with Subcommittee on SBA and SBIC Authority, Minority Enterprise and General Small Business Problems of the Committee on Small Business), 1981.

Oversight hearing on the re-emergence of sweatshops and the enforcement of wage and hour standards—May 19; June 29 (in Los Angeles, Calif.), 1981.

H.R. 558, H.R. 756, H.R. 757, H.R. 1176, H.R. 1857, H.R. 2205, H.R. 2905, H.R. 4388, H.R. 4664, H.R. 4909, and H.R. 4946, Legislation to amend the Federal Employees' Compensation Act—November 13; December 8, 1981.

H.R. 558, H.R. 756, H.R. 757, H.R. 1176, H.R. 1857, H.R. 2205, H.R. 2905, H.R. 4388, H.R. 4664, H.R. 4909, and H.R. 4946, Legislation to amend the Federal Employees' Compensation Act—February 3, 1982.

H.R. 5735, Occupational Health Hazards Compensation Act of 1982—March 4; April 21, 22, 1982.

H.R. 6103, To amend the Fair Labor Standards Act of 1938 to provide that an employer who violates section 6 or 7 of that Act shall be liable to the employees involved for three times the amount of wages involved in the violation, and for other purposes—April 26 (in New York, N.Y.); May 12, 1982.

Oversight hearing on new technology in the American workplace—June 23, 1982.

Oversight hearings on the Department of Labor's proposals to amend the child labor regulations under the Fair Labor Standards Act—July 28; August 3, 1982.

H.R. 25 and S. 1182, Legislation to amend the Longshoremen's and Harbor Workers' Compensation Act—August 17, 1982.

Oversight hearing on the Manville Corporation and UNR Industries Bankruptcies, and their impact on occupational disease compensation legislation—September 9, 1982.

H.R. 7102, Migrant and Seasonal Agriculture Worker Protection Act—September 14, 1982.

SUBCOMMITTEE ON SELECT EDUCATION

H.R. 2310, Child Abuse Prevention and Treatment Amendments of 1981—March 9, 12, 1981.

H.R. 2644, Alcohol and Drug Abuse Education Act Amendments of 1981—March 23; April 3, 1981.

H.R. 3292, Domestic Volunteer Service Act Amendments of 1981—April 30; May 1, 1981.

H.R. 3645, Elementary and Secondary Education Consolidation Act of 1981—May 28 (Jointly with the Subcommittee on Elementary, Secondary and Vocational Education), 1981.

Oversight hearing on the National Institute of Education—June 18, 1981.

Oversight hearings on the National Institute of Handicapped Research—October 1 and 2 (Jointly with Subcommittee on Science, Research and Technology of the Committee on Science and Technology), 1981.

Oversight hearing on the Architectural and Transportation Barriers Compliance Board—November 6, 1981.

Oversight hearing on the Child Abuse Act—April 23 (in Pittsburgh, Pa.); June 24, 1982.

H.R. 66, to extend the authorization of appropriations under the Vocational Education Act of 1963—May 5 (Jointly with Subcommittee on Elementary, Secondary and Vocational Education), 1982.

Oversight hearing on the ACTION Agency—June 9 (Jointly with Subcommittee on Manpower and Housing of the Committee on Government Operations), 1982.

H.R. 2500, Select Commission on Voluntary Service Opportunities Act of 1981—August 11, 1982.

H.R. 6820, Handicapped Individuals Services and Training Act—September 2 (in Loretto, Minn.), 1982.

Oversight hearing on educational technology—September 14, 1982 (Jointly with Subcommittee on Elementary, Secondary and Vocational Education).

Oversight hearing on the treatment of handicapped infants born with other defects—September 16, 1982.

Oversight hearings on the proposed regulations for Public Law 94–142, Education for All Handicapped Children Act—September 22, 23, 29, 1982.

Thirty-three bills and resolutions were ordered reported by the Committee during the 97th Congress. Of these, 6 became law and 3 cleared the Congress and were submitted to the President. The following is a summary of the major provisions of those measures on which the Committee acted.

ALCOHOL AND DRUG ABUSE EDUCATION ACT AMENDMENTS

On May 19, 1981, the Committee reported H.R. 2644 (House Report 97–67), legislation to extend the authorization for alcohol and drug abuse education programs through September 30, 1985. The bill would also have expanded the purpose of the Act to include prevention of deviant and destructive behavior related to alcohol and drug abuse; provided that no more than 5 percent of appropriated funds could be used for evaluation; and made Indian tribes, tribal organizations and urban Indian centers eligible for assistance.

The Alcohol and Drug Abuse Education Act was repealed in the Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35). Authority to continue programs was included in Chapter II of the Education Consolidation and Improvement Act and programs were required to be funded in an amount sufficient to maintain activities at the fiscal year 1981 level.

BLACK LUNG BENEFITS AMENDMENTS OF 1981

H.R. 5159, the Black Lung Benefits Amendments of 1981, which was not considered by the Committee, passed the House December 15, 1981; passed the Senate December 16, 1981; and was signed by the President December 29, 1981 (Public Law 97–119).

Public Law 97–119 made the following changes with regard to black lung claims filed after January 1, 1982:

(1) Eliminated the requirement that the Secretary of Labor must accept valid X-ray readings in cases where there is other evidence that a miner has pulmonary or respiratory impairment;

(2) Eliminated the 15- and 25-year presumptions;

(3) Eliminated the presumption that a miner's death was due to pneumoconiosis if he or she were employed in underground mining for ten years and died from a respiratory disease;

(4) Provided that where there is no medical or other relevant evidence in the case of a deceased miner, only affidavits from persons not eligible to receive benefits may be used to establish claims;

(5) Limited survivor benefits to those cases in which death results from pneumoconiosis;

(6) Transferred to the Trust Fund liability for claims which were closed prior to the 1977 amendments and subsequently approved pursuant to the review process established by those amendments.

Public Law 97–119 also increased the excise tax on coal, increased the interest rate coal operators are required to pay when claims are being contested, and eliminated the Fund's obligation to pay lump-sum retroactive benefits to claimants when claims are contested. The Secretary of Labor was directed to study black lung and other benefits and to study the current methods of diagnosing black lung disease and the nature and extent of impairment and disability attributable to the disease.

CARL ALBERT CONGRESSIONAL RESEARCH AND STUDIES CENTER ENDOWMENT ACT

H.R. 3598, which was reported November 2, 1981 (House Report 97–309) and passed the House November 4, 1981, would have authorized up to $3 million in federal matching funds to support the national center for Congressional scholarship and archive of Congressional papers at the University of Oklahoma in honor of former Speaker of the House Carl Albert.

CHILD ABUSE PREVENTION AND TREATMENT AMENDMENTS OF 1981

H.R. 2318 was reported by the Committee May 19, 1981 (House Report 97–66). The bill would have extended authority for programs carried out under the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 for five additional years, through September 30, 1986. H.R. 2318 would have also required the Secretary of Health and Human Services, acting through the National Center on Child Abuse and Neglect, to provide technical assistance and coordinate activities with other appropriate federal, State and local agencies to locate missing children; provided that existing functions of the Center be applied to problems relating to such children; provided that in order to qualify for assistance, a State must have in effect a law prohibiting administrators of residential institutions from taking adverse employment action against employees reporting occurrencies of child abuse or neglect at such institutions; and provided for coordination of adoption reform activities authorized under the Act with activities conducted under the Adoption Assistance and Child Welfare Act of 1980.

The Child Abuse Prevention and Treatment Act was extended through September 30, 1983 in the Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35).

CHILD NUTRITION PROGRAMS

The Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35) made the following amendments to the National School Lunch and Child Nutrition Acts:

(1) The general assistance reimbursement rate for lunches was set at 10.5 cents in school districts where less than 60 percent of the lunches served are free or reduced price and 12.5 cents in districts where 60 percent or more of the lunches served are free or reduced price.

(2) The special assistance reimbursement rate for lunches was set at 98.75 cents for free lunches and 40 cents less for reduced-price lunches.

(3) The reimbursement rate for school breakfasts was set at 57 cents for those served free, ½ the free rate or 30 cents less than the free rate, whichever is greater, up to a maximum of 30 cents for those served at reduced price; and 8.25 cents for paid breakfasts. Schools eligible for "severe need" assistance are those required by State law to operate a breakfast program and those in which 40 percent or more or the lunches served are free or re-

duced price and for which the average rate is insufficient to cover the cost of the breakfast program. Schools required by State law to operate a breakfast program will be eligible for assistance until July 1, 1983, if the State legislature meets annually, or until July 1, 1984, if the legislature meets biennially.

(4) The commodity reimbursement rate was set at 11 cents for all lunches.

(5) The reimbursement rate for supplements in the child care food program was set at 2.75 cents for paid supplements; 30 cents for free supplements; and ½ the free rate for those served at reduced price. Reimbursement was limited to two meals and one supplement per day for handicapped children, children of migrant and seasonal farmworkers age 15 or under and all other children age 12 or under. Eligibility of for-profit institutions was limited to those receiving compensation under title XX of the Social Security Act for at least 25 percent of the children for which they provide care.

(6) Reimbursement rates are to be adjusted each July 1, beginning July 1, 1982, based on changes in the Consumer Price Index.

(7) Private schools at which the average yearly tuition exceeds $1500 per child were excluded from participation in National School Lunch and Child Nutrition Act programs.

(8) Sponsorship of summer food service programs was limited to public or private nonprofit school food authorities, local, municipal or county governments and residential nonprofit summer camps in areas where at least 50 percent of the children meet the income eligibility criteria for free and reduced-price lunches.

(9) Schools which do not participate in the school lunch program but which receive commodities for use in nonprofit lunch programs (commodity-only schools) are eligible to receive commodities in an amount equal to the national average commodity assistance rate and the general reimbursement rate for each school lunch. Commodity-only schools are also eligible to receive up to 5 cents of this amount per meal in cash to cover the cost of processing and handling commodities and they are eligible to receive special assistance cash payments for free and reduced-price lunches.

(10) For the WIC program $1.017 billion was authorized for fiscal year 1982, $1.060 billion for fiscal year 1983, and $1.126 billion for fiscal year 1984.

(11) For nutrition education and training, $5 million was authorized for each fiscal year.

(12) Authority for food service equipment assistance was repealed.

(13) Participation in the special milk program was limited to schools and institutions which do not participate in other food service programs.

(14) Eligibility for free meals was set at 130 percent of the poverty level for the school years ending June 30, 1982, and June 30, 1983. Beginning July 1, 1983, eligibility for free meals will be tied to food stamp eligibility. Eligibility for reduced price meals was set at 185 percent of the poverty level.

H. Con. Res. 216, which expressed the sense of Congress that the school lunch program should retain the goal of providing one-third of the recommended dietary allowance of nutrients for children as established by the National Academy of Sciences, was reported June 22, 1982 (House Report 97–621) and passed the House July 12, 1982.

H. Con. Res. 384 was reported September 24, 1982 (House Report 97–870, Part 1) and passed the House September 29, 1982. H. Con. Res. 384 expressed the sense of Congress that current national efforts to reduce hunger and malnutrition should continue; that a national commitment to the nutrition of the Nation's children should continue through federal leadership and support of the child nutrition programs; that such programs should not be included in a block grant; and that the Federal Government should retain primary responsibility for such programs.

CONSOLIDATED REFUGEE EDUCATION ASSISTANCE ACT

The Consolidated Refugee Education Assistance Act (contained in the Omnibus Budget Reconciliation Act of 1981, Public Law 97–35) amended the Refugee Education Assistance Act of 1980 to consolidate programs authorized by Sec. 4A of Public Law 81–874, titles I and II of the Indochina Refugee Children Assistance Act of 1976, and Sec. 317 of the Adult Education Act.

For title II basic education programs, $400 per eligible child is authorized to be appropriated in each fiscal year. The Secretary of Education is required to establish a formula for distributing available funds to each State taking into account the number of years eligible participants have resided in the United States and the relative costs, by grade level, of providing elementary and secondary education programs.

School districts with substantial increases in attendance as defined in title III are entitled to amounts ranging from $300 to $700 per child depending on when the child was enrolled.

For the title IV adult education programs, grants of $300 per enrolled adult are authorized to the States, as is the case in existing law.

Eligible participants are any persons legally admitted to the United States regardless of their status under the Immigration and Nationality Act. Eligibility is limited to three years from the date of entry. A State's allocation under the Act will be reduced by any amount received under other federal authority for education programs for refugees.

DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS

H.R. 3292 was reported by the Committee May 19, 1981 (House Report 97–68). The bill would have authorized sums as necessary for programs carried out under title I of the Domestic Volunteer Service Act for three additional years, through September 30, 1984. The bill also specified that at least 83% of funds appropriated for title I were to be used for VISTA and eliminated the setaside for University Year for ACTION.

Program authority was extended through September 30, 1983 in the Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35).

The Reconciliation Act also eliminated the setaside for University Year for ACTION and provided statutory authority for the Senior Companions Program.

ECONOMIC OPPORTUNITY ACT AMENDMENTS

H.R. 3045 was reported May 19, 1981 (House Report 97–69). H.R. 3045 would have extended the authorization for programs carried out under the Economic Opportunity Act through September 30, 1984 with the exception of Head Start and Follow Through which would have been extended through September 30, 1986. In addition, this legislation would have reduced the federal discretionary allotment for the Community Services Administration from 20 percent of title II appropriations to 5 percent; consolidated all CSA research, demonstration and pilot program authority into title I; expanded requirements for fiscal responsibility and audit procedures; provided for increased management capability within community economic development programs; provided statutory authority for the National Center for Appropriate Technology (national energy laboratory); authorized a new Youth and Family Development Program designed to strengthen and maintain low-income families and assist economically disadvantaged children and youth; and deleted the authorization for the National Advisory Council on Economic Opportunity.

The Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35) repealed the Economic Opportunity Act except for title VIII (Native American programs) and title X (Legal Services Corporation). Five independent Acts continue many of the programs previously authorized therein:

(1) The Community Services Block Grant Act authorized the Director of the Office of Management and Budget to terminate the Community Services Administration and transfer program administration responsibilities to a new Office of Community Services within the Department of Health and Human Services.

The Secretary of Health and Human Services was authorized to make grants to the States to enable them to provide a range of services designed to have a "major impact" on the causes of poverty in their communities, including education, employment, housing, nutrition and health services. For this purpose $389,375,000 was authorized for each of the fiscal years 1982 through 1986. Allotments must be made to the States according to the same ratio as funds were apportioned in fiscal year 1981 under the Economic Opportunity Act. In fiscal year 1982, 90 percent of a State's allotment was required to be used for grants to existing community action agencies or to organizations serving migrant and seasonal farmworkers. In subsequent fiscal years, 90 percent must be available for political subdivisions of the State to use directly or to give to private nonprofit community organizations or to organizations serving migrant and seasonal farmworkers. States could choose not to operate programs under the block grant in fiscal year 1982.

(2) The Low-Income Home Energy Assistance Act superseded energy assistance authority formerly contained in the Economic Opportunity Act and the Home Energy Assistance Act of 1980. For each of the fiscal years 1982, 1983 and 1984, $1,875,000,000 was authorized to

enable the Secretary of Health and Human Services to make grants to States to assist low-income households in meeting the cost of home energy.

Funds must be allotted to the States in the same manner as funds were allocated under the Home Energy Assistance Act in fiscal year 1981 and proportionately increased or decreased according to the level of appropriations provided. States are required to reserve "a reasonable amount", based on data from prior years, for weather-related and supply shortage emergencies. Up to 15 percent of a State's allotment may be used for low-cost residential weatherization or or other energy-related home repair. States may make payments to cover energy costs directly to eligible households or to home energy suppliers on behalf of such households. Funds may also be used to provide tax credits to suppliers who furnish energy to low-income households at reduced rates.

Households eligible for assistance are those in which one or more persons is receiving AFDC, SSI, food stamps, veterans' and survivors' pensions or those with incomes not exceeding the greater of 150 percent of the poverty level for the State or 60 percent of the State median income. Priority is to be given households with the lowest income and the highest energy costs in relation to income.

(3) The Head Start Act rewrote provisions of the Economic Opportunity Act of 1964 relating to the Head Start Program. The major change was a new formula for distributing funds to the States. The Secretary of Health and Human Services is required to reserve 13 percent of appropriated funds for Indian and migrant programs and services for handicapped children; for payments to the Territories; for training and technical assistance; and for discretionary projects. The remaining 87 percent must be allotted among the States so that each State receives an amount equal to its fiscal year 1981 allotment. Of sums remaining after this allotment, 33 and ⅓ percent must be distributed on the basis of the State's relative number of children age 0 to 18 from families receiving AFDC payments and 66 and ⅔ percent on the basis of its relative number of children age 0 to 5 living with low-income families. A sponsoring agency may be any local public or private nonprofit agency determined by the Secretary as capable of carrying out the program. Agencies previously operating programs will be given priority. At least 10 percent of enrollment opportunities in each State must be made available to handicapped children. Federal funds must be matched on an 80–20 basis. Appropriations of $950 million were authorized for fiscal year 1982, $1,007,000,000 for fiscal year 1983, and $1,058,357,000 for fiscal year 1984.

(4) The Follow Through Act extended authority for the Follow Through Program until September 30, 1984. Appropriations of $44.3 million were authorized for fiscal year 1982, $22,150,000 for 1983, and $14,767,000 for 1984. Follow Through is to be phased into the education block grant over a three-year period and effective in fiscal year 1985 will be funded entirely under that authority.

(5) The Community Economic Development Act of 1981 rewrote, without significant change, title VII of the Economic Opportunity Act which was repealed.

H.R. 7065 was ordered reported September 16, 1982; passed the House September 20; passed the Senate September 24, and was signed by the President September 30, 1982 (Public Law 97-274). Public Law 97-274 amended the Community Services Block Grant Act to clarify that the Secretary of Health and Human Services had authority to designate an interim community services agency in Sacramento, California, to replace the previous agency which was defunded earlier in the year.

EDUCATION CONSOLIDATION AND IMPROVEMENT ACT

Chapter I of the Education Consolidation and Improvement Act of 1981 (Omnibus Budget Reconciliation Act of 1981, Public Law 97-35) contains authority for education programs for disadvantaged children similar to those previously authorized in title I of the Elementary and Secondary Education Act of 1965. The "title I" program remains categorical and funds must be allotted to State and local education agencies in the same manner as they were under the formula contained in the Elementary and Secondary Education Act. Funding for State agency programs is limited to 14.6% of the total title I appropriation for each fiscal year. The amount available for concentration grants is to have the same ratio to title I appropriations as it did in fiscal year 1980. Chapter I also includes provisions designed to eliminate burdensome and unnecessary paperwork and administrative requirements.

Chapter II consolidates into a single authorization a number of education programs previously authorized in the Elementary and Secondary Education Act—title II (Basic Skills Improvement); title III (Special Projects); title IV (Education Improvement, Resources and Support); title V (State Leadership); title VI (Emergency School Aid); title VIII (Community Schools); and title IX (programs for gifted and talented children, educational proficiency standards, safe schools and ethnic heritage studies). The consolidation also incorporates the Alcohol and Drug Abuse Education Act, the Teacher Corps and teacher centers (authorized under title V of the Higher Education Act), the Follow Through Program (to be phased in over a three-year period), precollege science teacher training (authorized under the National Science Foundation Act), and the Career Education Incentive Act.

The State education agency is to administer programs within each State. Allotments to the States will be based on their relative numbers of children age 5 to 17. At least 80 percent of a State's allotment must be distributed to local education agencies within the State according to the relative enrollments in public and nonpublic schools within the school districts of those agencies. Higher per pupil allocations are to be made to agencies having the greatest numbers or percentages of children whose education imposes a higher than average cost per child such as those from low-income families, those living in economically depressed areas, and those living in sparsely populated areas. Up to six percent of sums appropriated are to be reserved by the Secretary for discretionary projects. From funds so reserved, the Secretary is required to first fund the Inexpensive Book Distribution Program, the Arts in Education Program, and alcohol and drug abuse education programs in amounts sufficient to maintain activities at the fiscal year 1981 level.

The consolidation became effective October 1, 1982. Program authority extends through September 30, 1987. Appropriations for Chapter I are limited to $3,480,000,000 in each of the fiscal years 1983 and 1984. Appropriations for Chapter II are limited to $589.4 million in 1983 and 1984.

H. Con. Res. 388 was reported August 5, 1982 (House Report 97–701) and passed both the House and the Senate August 10. H. Con. Res. 388 disapproved the final regulations for Chapters I and II of the Education Consolidation and Improvement Act. The basis for disapproval was the Department's contention that provisions of the General Education Provisions Act do not apply to Chapters I and II, a position which is contrary to both statutory language and Congressional intent.

H.R. 5658 was reported September 9, 1982 (House Report 97–798); passed the House September 14, 1982; passed the Senate October 1, 1982; and was signed by the President October 14, 1982 (Public Law 97–313). Public Law 97–313 amended Chapter II of the Education Consolidation and Improvement Act to permit block grant funds to be used for programs to teach the principles of citizenship.

H.R. 7336, Education Consolidation and Improvement Act Technical Amendments, was reported by the Committee December 17, 1982 (House Report 97–977); passed the House December 17; passed the Senate December 20, 1982; and was sent to the President. This legislation makes a number of technical and clarifying amendments to Chapters I and II of the Education Consolidation and Improvement Act of 1981. Included are provisions to clarify school district flexibility in targeting schools and selecting children to participate in Chapter I programs; to clarify ambiguities with respect to the participation of private schoolchildren; to clarify the procedures for State certification of local applications under Chapter II; to ease the audit requirements; and to clarify that the General Education Provisions Act applies to ECIA.

EDUCATION OF THE HANDICAPPED

H. Res. 558 was reported by the Committee September 30, 1982 (House Report 97–906). H. Res. 558 expressed the sense of the House that proposed changes in the regulations implementing Public Law 94–142, the Education for All Handicapped Children Act, should be rejected and should not be permitted to take effect during any period in which the Congress is in recess. Furthermore, Congress should use the procedures for disapproval of final regulations provided in Sec. 431 of the General Education Provisions Act if the Secretary seeks to dilute Congressional intent with regard to administration of the Act.

H.R. 6820 was reported by the Committee December 9, 1982 (House Report 97–950). This legislation would have authorized the appropriation of $3.5 million in fiscal year 1984 for the Helen Keller National Center for Deaf-Blind Individuals. Thereafter, sums as necessary were authorized for each fiscal year. Funds were also authorized for the

Vinland National Center for Physical Fitness and Healthsports, for four regional postsecondary programs for the deaf, and for captioned film services for the deaf.

EDUCATION PROGRAM AUTHORIZATIONS

H.R. 7137 was reported September 24, 1982 (House Report 97–869) and passed the House September 29, 1982. H.R. 7137 increased the authorization level of three education programs. Specifically, it authorized $1.5 million for each of the fiscal years 1983, 1984 and 1985 for the Ellender Fellowship program; $2 million for each of the fiscal years 1983 and 1984 for the Law School Clinical Experience Program; and $9.6 million over the two-year period 1983 and 1984 for the General James Memorial Health Education and Aerospace Center at Tuskegee University. In addition, it amended Chapter II of the Education Consolidation and Improvement Act, to make the Law-Related Education Program one of the national priority programs to be funded out of the Secretary's discretionary fund. The Secretary was required to set aside $500,000 in each fiscal year for this purpose.

EMPLOYMENT AND TRAINING

H.R. 3337, the Youth Employment Demonstration Amendments of 1981, was reported by the Committee May 13, 1981 (House Report 97–36) and passed the House June 2, 1981. A similar bill, S. 1070, passed the Senate May 12, 1981. This legislation was signed by the President June 16, 1981 (Public Law 97–14). Public Law 97–14 authorized the appropriation of sums as necessary through September 30, 1982 for the Youth Employment and Demonstration Programs contained in title IV–A of the Comprehensive Employment and Training Act. It also repealed Section 441 of the Act which mandated that specified percentages of funds appropriated for Part A be made available for the individual programs authorized therein.

The Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35) amended the Comprehensive Employment and Training Act authorizing prime sponsors to transfer 20 percent of Part A youth program funds to Part C summer youth programs and vice versa. The Act was also extended through September 30, 1982. If neither the House nor the Senate acted to extend CETA by September 10, 1982, programs would be automatically extended for one additional year.

H.R. 4861, the American Conservation Corps Act, was reported May 17, 1982 (House Report 97–500, Part 2) and passed the House June 9, 1982. This legislation would have authorized an American Conservation Corps to provide employment and training opportunities for young men and women, particularly the disadvantaged and those living in areas of high unemployment, in projects aimed at conserving, rehabilitating and improving the natural and cultural resources located on public or Indian lands.

H.R. 5540, the Defense Industrial Base Revitalization Act, was reported May 17, 1982 (House Report 97–530, Part 1). H.R. 5540 would have amended the Defense Production Act to require the President to take immediate action (1) through loan guarantees, price guarantees, purchase agreements and direct loans, to modernize the Nation's defense-related industries and expand domestic capacity to produce strategic materials; (2) to develop a national program to provide workers with skills which are necessary in defense-related industries and which are in short supply; and (3) to develop and implement a grant program to assist institutions of higher education obtain modern equipment for training professional, scientific and technical personnel needed in defense-related industries.

H.R. 6250, the Community Renewal Employment Act, was reported May 17, 1982 (House Report 97–538). This legislation would have provided employment opportunities for long-term unemployed individuals in high unemployment areas through grants to local governments to cover labor and related costs associated with the repair, maintenance, and rehabilitation of essential public facilities and for public safety and health activities essential to the public welfare.

H.R. 5320, the Job Training Partnership Act, was reported May 17, 1982 (House Report 97–537) and passed the House August 4. The Senate passed similar legislation, S. 2036, on July 1, 1982. This legislation was signed by the President October 13, 1982 (Public Law 97–300).

Public Law 97–300 authorizes the appropriation of sums as necessary for each fiscal year for a broad range of activities designed to prepare youth and unskilled adults for entry into the labor force and to provide job training to those who are economically disadvantaged or who face serious barriers to employment to enable them to obtain productive employment. In order to assure an orderly transition from Comprehensive Employment and Training Act programs, the provisions of CETA will continue to apply through fiscal year 1983. Provisions of the new Act will become effective in fiscal year 1984.

After June 30, 1984, funds are to be available on a program year basis, i.e., July 1–June 30, in order to facilitate coordination with education and other State and local employment-related programs. One-third of available funds will be allotted to the States on the basis of their relative number of unemployed persons residing in areas of substantial unemployment (at least 6.5 percent); one-third on the basis of their relative excess number of unemployed persons (in excess of 4.5 percent); and one-third on the basis of their relative number of economically disadvantaged. Funds will be allocated to service delivery areas within States in the same manner.

At least 40 percent of a State's allocation must be used to serve youth. Seventy percent must be spent for training. Not more than 15 percent can be used for administration and not more than 15 percent can be used for supportive services, allowances or wages not included in the 70 percent category. The latter requirement may be waived under certain circumstances.

Ninety percent of participants must be economically disadvantaged. Up to 10 percent of participants may be persons who are not economically disadvantaged if they have other employment barriers, such as displaced homemakers, teenage parents, older workers. Eligible youth are those age 16 through 21. Youth 14 and 15 may be eligible for certain activities in the summer and preemployment programs.

States desirous of receiving financial assistance must establish a job training coordinating council. The council is responsible for making recommendations to the Governor with respect to service delivery areas and for planning, coordinating and monitoring programs and services provided under the Act.

The Governor of each State will designate service delivery areas within the State based on the recommendations of the coordinating council. Some areas are automatically entitled to be designated as service delivery areas, including units of general local government with a population of 200,000 or more; voluntary consortia of contiguous units of local government with an aggregate population of 200,000 or more; and concentrated employment program grantees for rural areas which served as prime sponsors under the Comprehensive Employment and Training Act.

Private industry councils are to be established in each service delivery area. Council members are to be selected by the chief elected official or officials in the area, and a majority must be representatives of business and industry in the area. Councils, in partnership with local government, will be responsible for providing policy guidance for, and exercising oversight with respect to, job training activities in the area.

Title III of Public Law 97–300 authorizes programs to assist dislocated workers including long-term unemployed workers or those who have been or are about to be terminated from their jobs and are unlikely to return to their occupation or industry. From sums appropriated to carry out title III, the Secretary may reserve up to 25 percent for programs to assist persons affected by mass layoffs, natural disasters, Federal Government actions, or those who reside in areas of high unemployment or designated enterprise zones. The remainder of appropriated funds is to be allocated to the States on the basis of their relative numbers of unemployed. Funds must be matched with nonfederal funds. The matching requirement may be adjusted downward if a State's unemployment rate exceeds the national rate.

Authority for the Job Corps is continued; a 10-percent limit is placed on non-residential programs; and the Secretary is required to pay allowances to Corps members while they are in the program. In fiscal year 1983, $618 million is authorized for Corps activities. Thereafter, such sums as may be necessary are authorized to be appropriated.

Public Law 97–300 also continues without substantial change authority for national employment and training programs for Native Americans and migrant and seasonable farmworkers; authorizes the use of 5 percent of national program funds for veterans' programs; authorizes multi-state programs, research and demonstration, pilot projects, evaluation and labor market information programs; authorizes a summer youth employment and training program in which youth aged 14 and 15 may participate; authorizes cooperative agreements between State education agencies, service delivery areas and local education agencies; authorizes special programs for the elderly, incentive grants for programs which exceed performance standards, and training to assist contractors in fulfilling affirmative action obligations. The National Commission for Employment Policy is reconstituted as a nongovernmental commission.

Public Law 97–300 establishes a new formula for distribution of funds under the Wagner-Peyser Act. Two-thirds will be allocated on the basis of the State's relative number of persons in the civilian labor force and one-third on the basis of its relative number of unemployed. Funding on a program year basis is required, beginning July 1, 1984, as is local coordination with job training programs.

Finally, Public Law 97–300 amends title IV of the Social Security Act to authorize job search assistance, to require coordination of WIN activities with activities provided in a service delivery area, and to provide for a limited disregard of the income of a dependent child which is derived from a training program under the Act in calculating family eligibility and the amount of AFDC benefits.

S. 3113, which made minor and technical amendments to the Job Training Partnership Act, passed the Senate December 17, 1982; passed the House December 18, 1982; and was sent to the President.

FAIR LABOR STANDARDS AMENDMENTS

H.R. 6103 was reported September 30, 1982 (House Report 97–909). In this legislation the Committee sought to strengthen enforcement of the minimum wage and overtime provisions of the Fair Labor Standards Act. First time violators would have been required to pay the Secretary of Labor the amount of underpaid wages or overtime compensation plus interest from the date of violation. Repeat offenders would have been liable for three times the amount of the underpayment. The Secretary would have been required to make necessary distributions to the underpaid workers and retain any remaining amounts in the Treasury as miscellaneous receipts. H.R. 6103 would have also imposed a civil penalty for willful or repeated recordkeeping violations.

FEDERAL POLICE AND FIREFIGHTERS DEATH BENEFITS

H.R. 756 was ordered reported July 27, 1982 and passed the House August 4, 1982. H.R. 756 would have amended title 5 of the U.S. Code to authorize payment of lump-sum death benefits in the amount of $50,000 to the dependent survivors of federal law enforcement officers and firefighters killed in the line of duty.

FOREIGN LANGUAGE PROGRAMS

H.R. 3231 was reported by the Committee November 10, 1981 (House Report 97–316). In an effort to further the national security and the Nation's economy, H.R. 3231 would have authorized the Secretary of Education to make grants to the States for model foreign language programs designed and operated by local school districts and community and junior colleges. The bill would have also authorized per capita grants to reimburse institutions of higher education for part of the cost of providing foreign language instruction. These grants would have gone to institutions at which more than five percent of the total student population is enrolled in approved foreign language courses and to institutions which require at least two years of foreign language instruction for admission to or graduation from such institutions.

IMMIGRATION REFORM AND CONTROL ACT

The Committee reported H.R. 6514 December 1, 1982 (House Report 97-890, Part II). The purpose of H.R. 6514, as previously reported by the Committee on the Judiciary, was to control illegal immigration to the United States, to reform the process for determining the validity of political asylum requests, to make limited changes in the system for legal immigration, and to provide a controlled legalization of status program for undocumented aliens who entered the country prior to 1980. The bill would have established penalties for employers knowingly hiring undocumented aliens; revised the H-2 program which permits temporary entry of foreign agricultural workers if workers cannot be found in this country; and required foreign students to return to their home countries for a minimum of two years upon completion of their studies. This requirement could be waived in the case of students with degrees in natural science, math, computer science or engineering.

The Committee on Education and Labor amended the bill in a number of instances, the most significant of which was substitute provisions with respect to the H-2 workers program. The Committee's amendments in most instances were aimed at protecting domestic workers against displacement by foreign nonimmigrant workers, at providing both domestic and H-2 workers with adequate labor standards and at returning the H-2 program to that existing under current statute and regulations. The Committee's amendments would have also permitted waiver of the two-year home country residency requirement to any foreign student regardless of academic discipline and would have authorized assistance to States for the education of eligible legalized aliens.

MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT

H.R. 7102 was reported September 28, 1982 (House Report 97-885); passed the House September 29, 1982; passed the Senate December 19, 1982; House agreed to Senate amendment December 20, 1982; and was sent to the President.

H.R. 7102 repeals the Farm Labor Contractor Registration Act and establishes a new Act, effective December 1, 1982, which is designed to increase the protections available to migrant and seasonal agricultural workers and to alleviate some of the problems encountered by employers under the provisions of the previous Act.

Title I of the Act requires farm labor contractors, prior to engaging in contracting activities, to obtain from the Secretary of Labor a certificate of registration specifying authorized activities; requires that contractors employ only individuals who have a certificate of registration, or a certificate of registration as an employee of a farm labor contractor; enumerates conditions under which the Secretary may issue such certificates; and contains procedures to be followed when certificates are denied.

Title II requires farm labor contractors, agricultural employers and agricultural associations to provide migrant workers with written information at the time of recruitment regarding the terms and conditions of their employment, to post information regarding the rights and protections afforded workers under the Act, and to maintain records during the employment relationship and keep such records for three years after the employment ends; prohibits the contractor, employer or association from requiring workers to purchase goods and services from them; makes persons who own or control housing facilities responsible for ensuring that such facilities comply with substantive federal and State safety and health standards; and requires housing to be inspected by a State or local health authority prior to occupancy.

Title III provides protections for seasonal workers similar to those contained in title II.

Title IV requires contractors, employers and associations to ensure that vehicles used to transport migrant and seasonal workers conform to standards prescribed by the Secretary of Labor and other applicable federal and State safety standards. Drivers of any such vehicles are required to have valid drivers licenses. An insurance policy or liability bond insuring against liability for damage to persons or property arising from the ownership or operation of such vehicles is also required.

Violations of the Act are punishable by fines up to $1,000 and/or up to one-year prison terms. Subsequent violations are punishable by fines up to $10,000 and/or three-year prison terms. Violations are also punishable by a civil penalty of up to $1,000 for each violation.

The Act contains a number of exemptions, including those for small and family businesses and labor organizations; makes clear that neither agricultural employers, associations nor their employees are to be considered farm labor contractors; and adopts the definition of the term "employ" used in the Fair Labor Standards Act, thus creating a joint employer relationship which makes agricultural employers and associations, as well as contractors, responsible for worker protections.

OLDER AMERICANS ACT AMENDMENTS

H.R. 3046 was reported by the Committee May 19, 1981 (House Report 97–70) and passed the House November 20, 1981. A similar bill, S. 1086, passed the Senate November 2, 1981. This legislation was signed by the President December 29, 1981, becoming Public Law 97–115.

Public Law 97–115 extended the authorization of appropriations for programs carried out under the Older Americans Act through September 30, 1984, at the following levels:

	Fiscal year		
	1982	1983	1984
Federal Council on Aging	$200, 000	$214, 000	$228, 900
Supportive services and senior centers (title III–B)	306, 000, 000	327, 400, 000	350, 300, 000
Congregate meals	319, 100, 000	341, 400, 000	365, 300, 000
Home-delivered meals	60, 000, 000	64, 200, 000	68, 700, 000
Commodities	[1] 93, 200, 000	[1] 100, 000, 000	[1] 105, 000, 000
Training, research and discretionary projects (title IV)	23, 200, 000	24, 800, 000	26, 600, 000
Employment (title V)	[2] 277, 100, 000	[2] 296, 500, 000	[2] 317, 300, 000
Indian programs (title VI)	6, 500, 000	7, 000, 000	7, 500, 000

[1] And such additional sums as may be necessary to maintain the level of reimbursement for the number of meals served in fiscal year 1981.

[2] And such additional sums as are necessary to maintain 54,200 job slots.

This legislation also made a number of changes in existing law including: (1) adding education and training to the objectives of the Act; (2) repealing authority for the National Information and Resource Clearing House for the Aging; (3) authorizing the State agency to reserve from its supportive services allotment the amount it "determines to be adequate" to conduct an "effective" ombudsman program; (4) expanding the ombudsman program to include boarding homes; (5) authorizing the development of State and areas plans for two-, three-, and four-year periods; (6) requiring that an area agency expend "an adequate proportion", rather than 50 percent, of its supportive services funds for access, in-home and legal services; (7) permitting nutrition services to be made available to handicapped or disabled persons under age 60 if they reside in housing facilities occupied primarily by the elderly; (8) requiring that in the provision of nutrition services primary consideration be given to serving congregate meals but permitting area agencies to award funds for home-delivered meals, based upon a determination of need, without requiring that the providers of such meals also furnish congregate meals; (9) permitting States to interchange up to 20 percent of funds received for Parts B (supportive services) and C (nutrition services); (10) maintaining the level of commodity assistance in each fiscal year at 30 cents per meal, adjusted for changes in the Consumer Price Index, but requiring the Secretary of Agriculture to reduce this amount in any fiscal year in which such amount would cause the level of authorized appropriations to be exceeded; (11) adding as allowable suportive services the installation of security devices and structural modifications of residences to prevent unlawful entry, services to encourage employment, crime prevention and victim assistance services, and the Senior Opportunities and Services Program; (12) rewriting title IV, relating to training, research and discretionary projects, to give the Commissioner on Aging general authority to make grants and contracts for recruiting and training personnel and to support research; (13) deleting the setaside for Legal Services Demonstration Projects but making them mandatory; (14) requiring the Secretary of Health and Human Services to conduct experimental projects designed to assure second career training and placement in private employment for individuals at least 55 years of age whose income is equal to or less than the intermediate level Retired Couples Budget; (15) requiring the Secretary, in awarding grants and contracts from 45 percent of amounts appropriated in excess of the 1978 hold harmless level, to assure to the extent feasible an equitable distribution of activities among the States based on the number of persons age 55 and older; and (16) retaining in fiscal year 1982 the existing grandfather provisions for former title VII projects. Thereafter, nutrition contracts are to be awarded on a competitive basis and where there is no evidence of improved quality and cost effectiveness on the part of a new bidder, the existing provider is to be given preference.

This legislation also amended the definition of "household" contained in the Low-income Home Energy Assistance Act, amended the Community Services Block Grant Act with respect to "eligible entities" and included migrant and seasonal farmworker organizations in the transition provisions, and clarified the status of creditors of the Student Loan Marketing Association.

H. Con. Res. 278 was ordered reported and passed the House July 20, 1982. H. Con. Res. 278 expressed the sense of the Congress that funding for community service employment programs for senior citizens under title V of the Older Americans Act for fiscal year 1983 and subsequent fiscal years should be provided at levels sufficient to maintain or increase the number of employment positions.

OMNIBUS BUDGET RECONCILIATION ACT

Major legislative action of the Committee on Education and Labor during the First Session of the 97th Congress centered around the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, signed August 13, 1981). The First Concurrent Resolution on the Budget for fiscal year 1982 directed the Committee to make changes in legislation within its jurisdiction in order to achieve savings in budget authority of $12.1 billion in fiscal year 1982, $14.9 billion in 1983 and $18.3 billion in 1984. Titles V, VI, VII, VIII, Sec. 1503 and title XXVI of the Reconciliation Act resulted from this instruction. Nearly all of the programs under the jurisdiction of the Committee were affected by the provisions contained therein.

First, Public Law 97-35 placed ceilings on amounts which could be appropriated in fiscal years 1982, 1983 and 1984 for programs under the Committee's jurisdiction. The effect of these ceilings, which are reflected in the following table, in most instances means substantial reductions in funding for programs.

[In millions of dollars]

	Fiscal year—		
	1982	1983	1984
Howard University	145.2	145.2	145.2
Public Law 81-815 (Impact aid/construction)	20.0	20.0	20.0
Public Law 81-874 (Impact aid)	455.0	455.0	455.0
Adult Education Act	100.0	100.0	100.0
Alcohol and Drug Abuse Education Act	3.0		
Career Education Incentive Act	10.0		
Civil Rights Act, title IV	37.1	37.1	37.1
Department of Education/Salaries and Expenses	308.0	308.0	308.0
Education Amendments of 1978: (Sec. 1015, Impact Aid Study; Parts A, International Year of the Child, and B, National Academy of Peace and Conflict Resolution, of Title XV; Sec. 1526, Study of Evaluation Practices & Procedures)	0	0	0
General Assistance for Virgin Islands	2.7	2.7	2.7
Education Amendments of 1980 (Parts D, Native Hawaiian Study, and H, Memorials, of Title XIII)	0	0	0
Elementary and Secondary Education Act:			
Title I (Education of disadvantaged)	3,480.0		
Title II (Basic skills)	31.5		
Title III (Special projects)	[1] 37.7		
Title IV:			
Part B (School libraries)	161.0		
Part C (Improving local education practice)	66.1		
Part D (Guidance, counseling and testing)	15.0		
Title V:			
Part B (Strengthening State education agency management)	42.1		
Part C (Councils on Equality in Education)	0		
Title VI (Emergency school aid)	149.3		
Title VII (Bilingual education)	140.0	140.0	140.0
Title VIII (Community schools)	3.1		
Title IX:			
Part A (Gifted and talented)	5.7		
Part B (Education proficiency)	0		
Part C (Women's educational equity)	6.0	6.0	6.0
Part D (Safe schools)	0		
Part E (Ethnic heritage studies)	2.3		
Education Consolidation and Improvement Act:			
Chapter 1 (Education of disadvantaged)		3,480.0	3,480.0
Chapter 2 (Block grant)	589.4	589.4	589.4
General Education Provisions Act:			
National Institute of Education (Sec. 405)	55.6	55.6	55.6
National Center for Education Statistics (Sec. 406)	8.9	8.9	8.9
Precollege Science Teacher Training (Sec. 406A(1))	1.9		
Minority Institutions Science Improvement (Sec. 406A(2))	5.0	5.0	5.0
Higher Education Act:			
Title I:			
Part A (Commission on National Development)	0	0	0
Part B (Education Outreach)	8.0	8.0	8.0
Title II (Libraries)	[2] 12.2	[2] 12.2	[2] 12.2
Title III (Institutional Aid)	129.6	129.6	129.6
Title IV:			
Pell Grants	2,650.0	2,800.0	3,000.0
Supplemental Opportunity Grants	370.0	370.0	370.0
State Student Incentive Grants	76.8	76.8	76.8
Special Programs for Disadvantaged (TRIO)	165.0	170.0	170.0
Migrant Education	7.5	7.5	7.5
Veterans' Cost-of-Instruction	12.0	12.0	12.0
Work Study	550.0	550.0	550.0
National Direct Student Loans	286.0	286.0	286.0
National Commission on Student Financial Assistance	1.0	2.0	
Title V:			
Part A (Teacher Corps)	22.5		
Part B (Teacher centers)	8.1		
Part C (Training teachers of handicapped)	0	0	0
Part D (Coordination of education profession development)	0	0	0
Title VI (International education)	30.6	30.6	30.6
Title VII:			
Part A (Undergraduate facilities)	0	0	0
Part B (Graduate facilities)	0	0	0
Title VIII (Cooperative education)	23.0	23.0	23.0
Title IX (Graduate programs):			
Part A (Grants to institutions)	0	0	0
Part B (Fellowships)	14.0	14.0	14.0
Part C (National graduate fellows)	0	0	0
Part D (Training in legal profession)	1.0	1.0	1.0
Part E (Law school clinical experience)	1.0	1.0	1.0
Title X (Fund for Improvement of Postsecondary Education)	13.5	13.5	13.5
Indian Education Act	81.7	88.4	95.3
BIA Indian Programs	262.3	276.1	290.4
Ellender Fellowships	1.0	1.0	1.0
Library Services and Construction Act:			
Title I (Library services)	65.0	65.0	65.0
Title II (Construction)	0	0	0
Title III (Interlibrary cooperation)	15.0	15.0	15.0
Museum Services Act	9.6	9.6	9.6
National Commission on Libraries and Information Science Act	.7	.7	.7
National Endowment for Arts	119.3	119.3	119.3
National Endowment for Humanities	113.7	113.7	113.7
Refugee Education Consolidation	5.0	7.5	10.0
Vocational Education Act	735.0	735.0	735.0
Education of Handicapped Act	1,150.0	1,180.0	[3] 1,017.9
Rehabilitation Act of 1978	1,039.3	1,054.2	
American Printing House for Blind	5.0	5.0	[illegible]
Gallaudet College	52.0	52.0	52.0
National Technical Institute for Deaf	26.3	26.3	26.3
Older Americans Act:			
(Except Title V)	715.0	793.3	
Title V (Employment)	277.1	293.7	
Domestic Volunteer Service Act:			
Title I (National volunteer programs)	25.8	15.4	
Title II:			
Part A (Retired Senior Volunteer Program)	29.7	30.4	
Part B (Foster Grandparents)	45.7	52.7	
Part C (Senior Companions)	16.6	17.6	
Title IV (Administration)	30.1	29.3	
Child Abuse Prevention and Treatment and Adoption Reform	19.0	19.0	
Community Services Block Grant	389.4	389.4	[4] 389.4
Native Americans (Title VIII, Economic Opportunity Act)	(5)	(5)	(5)
Head Start	950.0	1,007.0	1,058.4
Follow Through	44.3	22.2	14.8
Comprehensive Employment and Training Act:			
Title II A, B, C (Training)	1,430.0		
Title II-D (Public service employment)	0		
Titles III and V (National Programs and National Commission for Employment Policy)	219.0		
Title IV:			
Part A (Youth employment)	676.2		
Part B (Job Corps)	628.3		
Part C (Summer youth)	763.1		
Title VI (Public service employment)	0		
Title VII (Private sector initiative programs)	274.7		
Title VIII (Young Adult Conservation Corps)	0		
Department of Labor/Program Administration	75.5		
Low-Income Home Energy Assistance	1,875.0	1,875.0	1,875.0
Nutrition Education and Training	5.0	5.0	5.0
WIC	1,017.0	1,060.0	1,126.0
Juvenile Justice	77.0	77.5	[illegible]
Youth Conservation Corps Act	0	0	0

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[1] Includes Secretary's discretionary projects, metric education, arts in education, consumer education, law-related education, and biomedical sciences. No funds are authorized for Parts D, F, H, I, J, K, M, and N.

[2] No funds are authorized for Part D (National Periodical System).

[3] Basic grants only.

[4] $389.4 million is also authorized for 1985 and 1986.

[5] Such sums.

Second, the Reconciliation Act made significant changes in two entitlement programs under the Committee's jurisdiction—child nutrition and student loans—which effected substantial cutbacks in these programs.

Third, the Reconciliation Act authorized block grants to the States in several program areas under the Committee's jurisdiction. Under these block grants, federal funds are provided to the States and they, within broad federal proscriptions, determine how these funds are spent.

The Reconciliation Act contained other legislative provisions with respect to programs under the jurisdiction of the Education and Labor Committee.

With respect to funds appropriated for impact aid programs (Public Law 81–874), $10 million is to be made available in each of the fiscal years 1982, 1983 and 1984 for land acquistion reimbursement (Sec. 2) and $10 million is to be available for disaster assistance. Payments for Category B children are to be phased out over a three-year period. Responsibility for Sec. 6 payments (military children) was transferred to the Department of Defense budget while program administration was retained in the Department of Education.

With respect to the Higher Education Act, institutions serving substantial numbers of minority and educationally disadvantaged students and which provide a medical education program were made eligible for challenge grants under title III.

The amount which the Secretary of Labor could certify as necessary for administration of the U.S. Employment Service in fiscal year 1982 was limited to $677.8 million.

The Education of the Handicapped Act, the Rehabilitation Act of 1973, the Older Americans Act of 1965, the Domestic Volunteer Service Act of 1973 and the Child Abuse Prevention and Treatment Act were extended through September 30, 1983.

Finally, a number of existing statutes were extended through September 30, 1984, including: Public Laws 81–815 and 81–874 (Impact Aid); the General Education Provisions Act; the Indian Education Act; titles XI (Indian Education), XIV (Overseas Dependents' Education), and title XV (Miscellaneous Provisions) of the Education Amendments of 1978; Part H of title XIII of the Education Amendments of 1980 (Memorials); the Adult Education Act; Sec. 342 of the Higher Education Amendments of 1976 (Guidance and Counseling); the Asbestos School Hazards Detection and Control Act; the Joint Resolution of October 19, 1972 (Ellender Fellowships); the Vocational Education Act; title IV of the Civil Rights Act of 1964; the Library Services and Construction Act; the Navajo Community College Act; the Tribally Controlled Community College Assistance Act of 1978; Part C of title IX of the Elementary and Secondary Education Act of 1965 (Women's Educational Equity); and title VIII of the Economic Opportunity Act of 1964.

PUBLIC EMPLOYEE PENSION PLAN REPORTING AND ACCOUNTABILITY ACT

H.R. 4928 and H.R. 4929 were reported May 17, 1982 (House Report 97–529 and House Report 97–528 respectively). The purpose of both H.R. 4928 and H.R. 4929 was to provide for reform of State and local public employee retirement systems. Both would have required disclosure and reporting to participants and their beneficiaries, State and local taxpayers, employers, employee organizations and the general public of financial and other information about such plans; established standards of conduct and responsibility for fiduciaries of public employee pension benefit plans; and provided appropriate remedies, sanctions and access to the federal courts. In addition, H.R. 4928 would have extended favorable tax treatment to the benefits of participants and their beneficiaries in plans meeting the required reporting, disclosure and fiduciary standards; would have exempted plans meeting the required standards from existing Internal Revenue Code requirements relating to benefits, contributions and other conditions for plan qualification; and would have unconditionally exempted all public employee plans from federal income taxes.

REGULATORY REVIEW

Under section 431 of the General Education Provisions Act, Congress by concurrent resolution can disapprove of regulations issued by the Department of Education programs that it administers where such regulations are inconsistent with the authorizing legislation.

During 1981 and 1982, the Committee staff has reviewed over 165 sets of regulaions, including 65 sets of proposed regulations and over 100 sets of final regulations involving some 2,500 pages of legal text.

Review of all regulations of the Department of Education has become a systematic process of the Committee carried out by full committee staff in coordination with minority and subcommittee staff having jurisdiction over the subject of the regulations. Over 100 letters have been written to the Secretary of Education pointing out particular concerns with proposed regulations resulting in timely adjustment of regulations before they are promulgated.

In only one instance has the process generated a House concurrent resolution of disapproval. This involved the final regulations on the Education Consolidation and Improvement Act of 1981. On August 5, 1982 the Committee in open session unanimously recommended disapproval. On August 10, 1982 the House passed H. Con. Res. 388 disapproving the regulations by a vote of 363 to 0 and on the same day the Senate concurred in the House action.

The Committee's review process of regulations has also led or contributed to changes in bills or measures before the Committee, i.e., Student Financial Assistance Technical Amendments Act of 1982 (P.L. 97-301) and the Education Consolidation and Improvement Act Technical Amendments (H.R. 7336).

SCIENCE AND MATHEMATICS EDUCATION IMPROVEMENT ACT

H.R. 7130 was reported by the Committee December 3, 1982 (House Report 97-933, Part 2). H.R. 7130 would have authorized a number of programs aimed at meeting the Nation's engineering, technical and scientific manpower needs. It established a Coordinating Council on Engineering and Scientific Manpower to make policy and program recommendations relative to these manpower needs; created a fund in the National Science Foundation to promote the quality of technical, scientific and engineering personnel; authorized programs aimed at modernization of instructional equipment at institutions of higher education, young faculty research awards, and upgrading of research, equipment, facilities and personnel in universities; authorized a program of grants to State boards of vocational education and community colleges to train technicians in the electronic and computer fields; authorized grants to State and local education agencies for programs to upgrade math, science, foreign languages and technology education at the elementary and secondary school levels, for teacher training institutes, curriculum development and model projects in these areas.

SELECT COMMISSION ON VOLUNTARY SERVICE OPPORTUNITIES ACT

H.R. 2500 was reported December 1, 1982 (House Report 97–939). This legislation would have authorized $750,000 in fiscal year 1984 for a select commission to examine the issues associated with voluntary service including the need for voluntary service, incentives and existing opportunities for such service, and alternative types of programs which might be used to meet a range of national and local needs.

STATE COMMISSIONS ON TEACHER EXCELLENCE

H.J. Res. 429, legislation calling on the States to establish commissions to report to federal, State and local governments on programs and policies designed to encourage the preparation and retention of quality teaching professionals, was reported August 12, 1982 (House Report 97–735).

STUDENT FINANCIAL ASSISTANCE

The Postsecondary Student Assistance Amendments of 1981 (Omnibus Budget Reconciliation Act of 1981, Public Law 97–35) made the following major changes with respect to student assistance programs:

(1) Students eligible for guaranteed student loans are (a) those from families with an adjusted gross annual income of $30,000 or less and (b) those from families with an adjusted gross income greater than $30,000 if they can demonstrate need. Need was defined as the estimated cost of attendance at an institution of higher education less the expected family contribution and estimated student financial assistance from other sources. The Secretary of Education was required to promulgate regulations with respect to need, subject to a statutory time schedule and veto by either the House or the Senate. If the amount of need is at least $500, the minimum loan will be $1,000. If need is less than $500, the minimum will be limited to the amount of need. Leaders are authorized to charge an origination fee not to exceed 5 percent of the principal loan amount. The origination fee is to offset interest subsidy and special allowance payments.

(2) The interest rate on parent loans made on or after October 1, 1981, was set at 14 percent. If the average 91-day Treasury bill rate drops to 14 percent or less over a 12-month period the loan rate will be reduced to 12 percent. If at any time thereafter the T-bill rate rises above 14 percent, the loan rate will rise to 14 percent. Graduate students and independent undergraduate

students are made eligible for loans under the parent loan program.

(3) Higher annual and aggregate loan limits for independent undergraduate students were eliminated.

(4) The interest rate on direct loans was increased to 5 percent.

(5) New authority was granted to the Student Loan Marketing Association including authority to handle non-insured student loans in terms of warehousing and secondary markets; authority to deal in obligations issued by State agencies or eligible lenders; and authority to act as a loan insurer in States where the Department of Education determines that loan demand is not being met by the established State agency.

H.R. 7048, the Student Financial Assistance Technical Amendments Act, was reported September 16, 1982 (House Report 97-814) and passed the House September 22. S. 2852, similar legislation, passed the Senate September 16. This legislation was signed by the President October 13, 1982 (Public Law 97-301).

Public Law 97-301 makes the following changes relative to the student financial assistance programs:

(1) provides that the family contribution schedules for Pell Grants and for guaranteed student loans in academic year 1983-1984 shall be the same as those used in 1982-1983, with appropriate adjustments;

(2) provides that if the Secretary of Education does not publish and submit to the Congress the proposed family contribution schedule for Pell Grants for academic year 1984-1985 as required by law, the schedule in effect for academic year 1983-1984, appropriately adjusted, shall be used in 1984-1985;

(3) sets the maximum Pell Grant a student can receive in academic year 1983-1984 at $1800 or 50 percent of the cost of attendance at an institution of higher education;

(4) provides that the cost of attendance criteria used in calculating eligibility for and the amount of the Pell Grant award for academic years 1983-1984 and 1984-1985 shall be the same as that used in 1982-1983;

(5) provides that up to $30 million may be used for making Pell Grants to veterans receiving GI benefits who were eliminated by a provision of the fiscal year 1982 continuing resolution;

(6) requires the Secretary to establish a separate system of need analysis for academic years 1983-1984 and 1984-1985 for the campus-based programs;

(7) requires the Secretary, if fiscal year 1983, 1984 and 1985 appropriations for the campus-based programs are less than the amount appropriated in fiscal year 1981, to apportion available funds to that each State's allocation has the same ratio to the total as it did in 1981;

(8) requires the National Center for Education Statistics to collect and publish cost of attendance information for academic year 1982 through 1985;

(9) terminates the Student Loan Marketing Association's authority to consolidate student loans effective August 1, 1983 and extends the waiver of federal credit priority through September 30, 1984.

TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT AMENDMENTS

H.R. 6485 was reported August 12, 1982 (House Report 97-736). S. 2623, a similar bill, passed the Senate December 16, 1982 and was sent to the President. H.R. 6485 extended the Tribally Controlled Community College Assistance Act through September 30, 1987 and made several changes in existing law aimed at clarifying Congressional intent and simplifying administrative procedures. The formula for distribution of funds was simplified. The Secretary of the Interior was required to reserve the funds necessary for up to five grants per year of not more than $15,000 each to enable the recipient tribe or tribal entity to determine the need and potential for a tribally controlled community college. The maximum per capita payment was increased to $5,025 in fiscal year 1985, to $5,415 in 1986 and to $5,820 in 1987. A minimum grant level was established for colleges currently receiving funds. Technical assistance was limited to colleges already participating in the program.

In addition to changes in existing law, the Act anuthorized two new initiatives. The General Services Administration was required to conduct a study of vacant or underutilized Bureau of Indian Affairs facilities, including alternatives such as renovation and repair of such facilities for use by tribally-controlled community colleges; to initiate a program of repair; and to identify the need for new construction. The Secretary of Interior was authorized to make grants to current recipients for construction of facilities, including renovation, based on needs identified in the GSA report. Grants must be matched by the college.

A new title III authorized grants to tribally controlled community colleges receiving funds under the Act or under the Navajo Community College Act to encourage endowment funds. In order to receive a grant, a college must establish and deposit in a trust fund funds which are available from a private or tribal source or under the Snyder Act. The Secretary must then allocate to each such college for deposit to the fund an amount equal to that deposited by the college, up to a maximum of $350,000 in any fiscal year. Interest accruing thereon may be used, at the discretion of the college, to defray operating expenses.

For each of the fiscal years 1985, 1986 and 1987, $3.2 million was authorized for technical assistance, $30 million for program grants, sums as necessary for construction and renovation of facilities and $5 million for the endowment program. Programs may be forward funded.

SUBCOMMITTEE REPORTS

REPORT OF THE ACTIVITIES OF THE SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION DURING THE 97TH CONGRESS

CARL D. PERKINS, *Chairman*

WILLIAM D. FORD	WILLIAM F. GOODLING
IKE ANDREWS	JAMES M. JEFFORDS
GEORGE MILLER	E. THOMAS COLEMAN
BALTASAR CORRADA	ARLEN ERDAHL
DALE E. KILDEE	THOMAS E. PETRI, Ex Officio
PAT WILLIAMS	MARGE ROUKEMA
AUGUSTUS F. HAWKINS	LAWRENCE J. DENARDIS
MARIO BIAGGI	LARRY E. CRAIG
WILLIAM R. RATCHFORD	
HAROLD WASHINGTON	
(vacancy)	

JOHN F. JENNINGS, *Counsel*

The rules of the Committee on Education and Labor define the jurisdiction of the Subcommittee on Elementary, Secondary, and Vocational Education as follows: education through the high school level and vocational education.

During the 97th Congress, the Subcommittee conducted legislative and oversight hearings in the following areas:

Vocational education

The Subcommittee conducted 33 legislative and oversight hearings on vocational education during the 97th Congress. These hearings were intended to provide the Subcommittee with the background and information needed to write a major vocational education reauthorization bill in the 98th Congress. The hearings covered all the major issues relating to the Federal vocational education programs and dealt with four bills, H.R. 66 (a simple extension of the Vocational Education Act), H.R. 4974 (vocational guidance), H.R. 6985 (older Americans vocational education) and H.R. 5820 (electronic and computer technician training). The hearing on the latter bill was held in California. The total above also includes eight oversight hearings on the impact of vocational education budget cuts and other issues.

Child nutrition

The Subcommittee held 15 oversight hearings on Federal child nutrition programs in 1981 and 1982. The Subcommittee also held two hearings on and reported H. Con. Res. 384, urging the continuation of Federal involvement in child nutrition.

Mathematics and science education

The Subcommittee examined the state of mathematics and science education during three days of hearings. These hearings included discussion of the following bills: H.R. 6674, 6775, 7135, 5742, 6656, and 6950.

Field hearings

The Subcommittee conducted 12 hearings around the country in 1981 and 1982 to examine the impact of budget cuts in Federal elementary, secondary, vocational education, child nutrition programs, and other issues. The States visited included Illinois, Wisconsin, Minnesota, Kentucky, Michigan, and North Carolina. These hearings also provided useful recommendations for the Federal vocational education programs.

Other bills reported

On July 28, 1982, the Subcommittee reported H.R. 5658. As reported, this bill amended the education block grant under Chapter 2 of the Education Consolidation and Improvement Act to permit these funds to be used for citizenship education. The Subcommittee held a hearing on this bill earlier in July.

The Subcommittee also reported H.R. 7137 on September 22, 1982. This legislation increased the authorizations for the Ellender Fellowship program, law-related education, and other programs.

Other legislative hearings

During the 97th Congress, the Subcommittee conducted a total of eleven hearings on the following bills: H.R. 1662 (educational testing), H.R. 2954 (alien education), H.R. 1598 (elementary guidance and counseling), H.R. 3076 (refugee eductaion), H.R. 3645 (consolidation of education programs), H.R. 5818 (continuation of the National Diffusion Network), and H.R. 7336 (technical amendments to the Education Consolidation and Improvement Act).

Other oversight hearings

The Subcommittee held eight oversight hearings on the following education programs under our jurisdiction: Title I of the Elementary and Secondary Education Act, the Education Consolidation and Improvement Act, impact aid, the school library resources program, and Department of Defense overseas schools. In addition, the Subcommittee examined the following issues during 14 oversight hearings: education in private schools, urban education (including a field hearing in Los Angeles), reading and writing achievement, Social Security educational benefits, the impact of budget cuts on local school districts, audits of bilingual education programs in Texas, educational technology, and the future of education.

REPORT OF THE ACTIVITIES OF THE SUBCOMMITTEE ON EMPLOYMENT OPPORTUNITIES DURING THE 97TH CONGRESS

AUGUSTUS F. HAWKINS, *Chairman*

WILLIAM (BILL) CLAY	CARL D. PERKINS, Ex Officio
TED WEISS	JAMES M. JEFFORDS
BALTSASAR CORRADA	THOMAS E. PETRI
PAUL SIMON	MILLICENT FENWICK
HAROLD WASHINGTON	LAWRENCE J. DENARDIS, Ex Officio
MATTHEW G. MARTINEZ	STEVE GUNDERSON

SUSAN D. GRAYSON, *Staff Director*

JURISDICTION

Matters relating to employment, training and manpower legislation, as well as Title VII of the Civil Rights Act of 1964, as amended, fall within the jurisdiction of the Subcommittee on Employment Opportunities.

Specifically, the Subcommittee's jurisdiction includes the following public laws:

The Job Training Partnership Act (P.L. 97–300);

Comprehensive Employment and Training Act (P.L. 95–524);

Youth Conservation Corps (P.L. 93–408);

Wagner-Peyser Act (June 6, 1933);

Work Incentive Program (P.L. 90–248);

Title VII of the Civil Rights Act of 1964 (P.L. 88–352), as amended by the Equal Employment Opportunity Act of 1972 (P.L. 92–261), and the Pregnancy Discrimination Act Amendments of 1978 (P.L. 95–555);

Equal Pay Act of 1963 (P.L. 88–38);

Age Discrimination in Employment Act of 1967 (P.L. 90–202); 1978 Amendments (P.L. 95–256); and

Full Employment and Balanced Growth Act of 1978 (P.L. 95–523).

BUDGET CUTS IN EMPLOYMENT AND TRAINING PROGRAMS

At the outset of the 97th Congress, the Administration submitted its 1982 revised budget requests which included very substantial reductions in funding for programs under the Comprehensive Employment and Training Program (CETA). These recommended budget cuts would reduce CETA overall by 56 percent from the 1981 levels. These cuts were proposed at a time when unemployment was rising and the economic recession was taking its toll on the American workforce.

In conjunction with the Committee on Education and Labor, the Subcommitee participated in oversight hearings during, March and

April 1981, on the impact of the Administration's proposed fiscal year 1982 budget cuts in programs under the Subcommitee's jurisdiction. The Subcommittee submitted its views on the adverse impact of these budget cuts and recommended that funding for these various programs be maintained at sufficient levels. In spite of these recommendations, Congress adopted many of the Administration's budget reductions. Consequently, funding for the public service employment programs under both Title II–D (PSE for the structurally unemployed and Title VI (countercyclical PSE), and the Young Adult Conservation Corps (YACC) program under Title VIII of CETA were eliminated for fiscal year 1982.

EMPLOYMENT AND TRAINING PROGRAMS

Oversight

In anticipation of various legislative proposals to replace the expiring CETA program, the Subcommittee conducted informal seminars and public hearings, and participated in on-site investigations, meetings and conferences on employment and training issues in Washington, D.C. and across the country.

During the first session of the 97th Congress, the Subcommittee initiated a series of informal CETA reauthorization seminars in Washington, D.C. to bring together various affected groups directly involved with the CETA program. Representatives from the business sector met with the Subcommittee during the July 30, 1981 seminar to discuss their involvement with the Private Sector Initiative Program under Title VII of CETA. On August 3, a similar seminar was conducted with representatives from various CETA prime sponsors across the country. Seminars were conducted on August 10 with representatives of Private Industry Councils and on September 16 with representatives of labor and community-based organizations which focused on their respective roles in the design and delivery of employment and training services under the existing CETA law. These forums were invaluable to the Subcommittee in exploring policy alternatives and soliciting specific recommendations for the development and consideration of an employment and training bill.

Pursuant to its oversight responsibilities for employment and training programs, the Subcommittee conducted a hearing on full employment in Los Angeles, California on August 13, 1981, which explored the potential for expanding employment opportunities for unemployed and under-employed workers. On October 27–28, 1981, the Subcommittee held joint hearings with the Subcommittee on Crime of the House Judiciary Committee on the relationship between unemployment and crime. Numerous witnesses emphasized the importance of the Federal Government's role in continuing to fund programs with a proven record of effectiveness in combatting these interrelated problems—programs such as the Job Corps, supported work programs aimed at exconvicts and AFDC recipients, and the Summer Youth Employment Program.

The Subcommittee initiated its oversight hearings on the reauthorization of the Comprehensive Employment and Training Act in Brattleboro, Vermont on November 2, 1981. Approximately 30 witnesses representing the private sector, prime sponsors, economic development agencies, consolidated programs, vocational education agencies, youth groups, and community-based organizations testified before the Subcommittee on that date.

The Subcommittee Members and staff traveled to California during the week of November 30 through December 4, 1981 to participate in meetings and on-site investigations of colocated CETA and Employment Service offices in connection with the Subcommittee's oversight of the CETA program. The Subcommittee met with CETA/Employment Service officials and representatives in Sacramento, San Francisco and Los Angeles, California, and received various recommendations for the reauthorization of future employment and training programs, as well as revisions to the Wagner-Peyser Act.

EMPLOYMENT AND TRAINING PROGRAMS

Youth Employment Demonstration Amendments of 1981

Legislative

During the 96th Congress, after extensive study and review, the Subcommittee recommended a major expansion of the existing youth employment and training programs under the Comprehensive Employment and Training Act (CETA). The House passed H.R. 6711, the Youth Act of 1981, on August 26, 1980. The Senate, however, failed to complete action on either H.R. 6711 or its version of similar legislation (S. 2385) to extend the youth programs under Title IV–A of CETA.

H.R. 3337, the Youth Employment Demonstration Amendments of 1981, was introduced on April 30, 1981 to extend for one year the authorization for youth employment and demonstrating programs under Title IV–A of CETA. The legislation was necessary because the authorizing legislation for appropriation of youth programs under Title IV–A of CETA expired September 30, 1980. Subsequent to September 30, 1980, the youth programs were funded under the continuing appropriations resolution. A one-year extension, which would coincide with the expiration of the other titles of CETA, would enable the Subcommittee to study the efficacy of a separately funded youth programs in the context of the reauthorization of CETA.

The Subcomitteme conducted 15 days of oversight hearings on the problems of youth unemployment during the 96th Congress. Since the purpose of H.R. 3337 was simply to extend for one year the authorization of appropriations for the youth programs under Title IV–A of CETA, the Subcommittee did not see a necessity to hold further hearings on the youth employment issue. Consequently, H.R. 3337 was marked up by the Committee on Education and Labor and reported unanimously by voice vote on May 5, 1981 (House Report No. 97–36).

The Senate companion bill to H.R. 3337, Senate Bill No. 1070, was considered and passed by the Senate on May 12, 1981, wihch was then referred to the House. The House passed S. 1070 in lieu of H.R. 3337 on June 2, 1981 (P.L. 97–14), which assured continuation of the youth programs under CETA until September 30, 1982 when the entire employment and training program was scheduled for reauthorization.

Jobs Creation Initiatives

Legislative

In light of the severe reductions in spending for employment and training programs, the Subcommittee focused attention on certain proposals which would create jobs in the public sector. These jobs creation initiatives were necessary due to the elimination of earlier public service employment programs and the urgent need to put the hundreds of thousands of unemployed Americans back to work.

During the April 27, 1982, markup of the job training proposal, the Committee on Education and Labor agreed to address the public service employment and job training issues separately. At that time, the Committee agreed to move a public service employment measure before the May 15 budget deadline. On May 3, 1982, the Community Renewal Employment Act, H.R. 6250, was introduced and referred to the Subcommittee on Employment Opportunities. The initiative is aimed at getting the long-term unemployed back to work in vital community projects. On May 5, the Committee on Education and Labor ordered H.R. 6250 reported to the House by a roll call vote of 19 to 10 (House Report 97–538). There is no comparable Senate bill. No action on this measure was taken by the Rules Committee during the remainder of the 97th Congress.

Beginning in May 1982, the Subcommittee staff assisted the task force of the House Democratic leadership in drafting an urgent supplemental appropriations bill. H.J. Res. 562 (originally introduced as H.J. Res. 514) authorized a $1 billion supplemental appropriation for the Department of Labor for FY 1982 for the immediate creation of temporary jobs for unemployed youth and laid-off adult workers. The initiative would provide funds to local communities for the employment of long-term unemployed persons in needed community renewal projects such as the repair and maintenance of streets and roads, painting and repairing bridges, rehabilitating public buildings and parks, reforestation, erosion control and other conservation and improvement activities.

The Subcommittee assisted the staff of the Majority Leader's office and the staff of the Labor-HHS Appropriations Subcommittee in preparing for floor consideration of H.J. Res. 562, the emergency jobs supplemental appropriations initiative. H.J. Res. 562 was approved by the House of Representatives by a vote of 223 to 169 on September 16, 1982. H.J. Res. 562 was referred to the Senate for a vote, but the bill was never considered by the full Senate. However, a similar amendment was offered to the continuing resolution but did not pass on a procedural vote in the Senate.

Defense Economic Adjustment Act

Legislative

H.R. 6618, the Defense Economic Adjustment Act, a bill to facilitate the economic adjustment of communities, industries, and workers to reductions or realinements in defense or aerospace contracts, military facilities, and arms export, was referred to the Committee on Education and Labor, as well as 5 other Committees in the House of Representatives.

The Subcommittee held a hearing on H.R. 6618 on October 12, 1982, in New York City. Representatives from the Department of Defense, the Council on Economic Priorities, and the academic and labor communities testified on whether expanded military spending would help solve the unemployment problem or whether any jobs created by defense spending would go primarily to technically skilled individuals. No further action was taken on H.R. 6618 by the Subcommittee during the remainder of the 97th Congress.

Job Training Legislation

Legislative

A variety of legislative proposals to replace the expiring Comprehensive Employment and Training Act were introduced during the 97th Congress. The following major employment and training bills were referred to the Subcommittee on Employment Opportunities: H.R. 5320, the Community Partnership for Employment and Training Act; H.R. 5461, the Productivity and Human Investment Act; and H.R. 5533, the Training for Jobs Act.

In order to expedite the legislative consideration of pending employment and training proposals, the House Subcommittee on Employment Opportunities and the Senate Subcommittee on Employment and Productivity conducted joint hearings on the reauthorization issue. These joint hearings were held on March 15, 16, 17 and 18, 1982. Approximately 100 witnesses testified, including the Secretary of Labor; seven Members of Congress; three Governors; other State and local officials; the Chairman of the National Commission for Employment Policy; prime sponsors; and representatives of business, labor, community-based organizations, private industry councils, employment, security agencies, academic institutions, youth groups, education groups and economic development agencies.

Markup sessions on the various employment and training proposals were conducted by the Subcommittee on Employment Opportunities on March 31 and April 1, 1982. On April 1st, an amendment in the nature of a substitute to H.R. 5320 was favorably reported, by voice vote, to the Committee on Education and Labor.

The Committee on Education and Labor held a markup session on a Subcommittee substitute to H.R. 5320 on April 27. Of the approximately 50 amendments offered, 37 amendments were adopted during the full Committee markup. The legislation was favorably reported to the full House by a voice vote on April 27, 1982 (House Report 97–537).

The Job Training Partnership Act, H.R. 5320, was debated by the House on August 4, 1982 and was passed by an overwhelming vote of 352 to 56. A number of amendments were adopted during floor consideration. After passage of H.R. 5230, the House considered S. 2036, a companion Senate-passed job training bill. The House amendment to S. 2036 was then passed after being amended with the language of the House bill. The House amendment to S. 2036 was then sent to the Senate for a vote. The Senate rejected the House amendment and requested a conference.

The first meeting of the conferees on the House-Senate conference committee on the job training legislation was held on August 19, 1982.

During subsequent meetings, the conferees attempted to resolve the 322 differences between the two proposals. Specifically, the major areas of disagreements included: (1) the size of the service delivery area; (2) the role of the Private Industry Council and the local elected officials in planning and implementing employment and training services; (3) the role of the Governor; and (4) the restrictions or limitations on the use of funds for allowances, wages or supportive services. The conferees met on September 9, 14, 16, 20 and 22, and reached agreement on a final compromise version of the legislation on September 23, 1982. Subcommittee staff along with Senate staff drafted the conference report on the Job Training Partnership Act, S. 2036, which was filed on September 28 (H. Report No. 97–889). The Senate approved the measure on September 30 by a vote of 95 to 0; the House gave its endorsement of the conference report on October 1 by a vote of 339 to 12. The President signed the Job Training Partnership Act into law on October 13, 1982 (Public Law 97–300). Passage of this legislation assured continued federal support for job training programs for disadvantaged youth and adults, and established a new Title III program to aid displaced workers.

Summary of the Major Provisions of the Job Training Partnership Act

The Job Training Partnership Act (JTPA) was signed into law on October 13, 1982 (Public Law 97–300). This legislation repeals and replaces the Comprehensive Employment and Training Act (CETA), and provides for authorization of "such sums as may be necessary" for fiscal year 1983 and each succeeding fiscal year. The Job Training Partnership Act establishes programs to prepare youth and unskilled adults for entry into the labor force and provides job training to economically disadvantaged individuals and others facing serious barriers to employment.

Title I of the JTPA establishes the guidelines for the job training partnership system. The Governor of each State designates the service delivery areas which serve a substantial portion of a labor market area. The Governor shall approve any request to be designated as a service delivery area from: (1) any unit of general local government with a population of 200,000 or more; (2) any consortium of contiguous units of general local government with an aggregate population of 200,000 or more which serves a substantial part of a labor market area; and (3) any concentrated employment program which served as a prime sponsor under CETA. The Private Industry Council and local elected official form a partnership and submit a job training plan to the Governor. The basic measure of performance for adult training programs is the increase in employment and earnings and reductions in welfare dependency resulting from participation in the program. The performance standards for youth training programs include the attainment of employment competencies, school completion or the enrollment in other training programs or apprenticeships, or enlistment in the Armed Forces. At least 70 percent of the funds available to a service delivery area may be expended for direct costs of training, and not more than 30 percent may go towards administrative costs, allowances and supportive services (this may be waived, however, depending on extraordinary circumstances). Title I also specifies the State's job training coordinating responsibilities and the federal government's administrative responsibilities.

Title II establishes training services for disadvantaged youth and adults.

Title III provides employment and training assistance to dislocated workers—those individuals who have been laid-off or who have been unemployed for a long time and have limited opportunities for employment in the same or similar occupation.

Title IV outlines the federally-assisted programs for Native Americans, migrant and seasonal farmworkers, and veterans, and continues the Job Corps program.

Title V has amendments to the Wagner-Peyser Act (Employment Service) and to Part C of Title IV of the Social Security Act (WIN program) to assure that adequate employment and training services are afforded the recipients of these programs.

EQUAL EMPLOYMENT OPPORTUNITY

EEO/Affirmative Action Hearings

Oversight

During the first session of the 97th Congress, the Subcommittee initiated a series of extensive oversight hearings on the federal enforcement of equal employment opportunity (EEO) laws and affirmative action. The objectives of these hearings were: (1) to examine the continuing necessity for reliance on affirmative action as an enforcement and management tool to ensure equal employment opportunity; (2) to review the EEO enforcement commitment of the Equal Employment Opportunity Commission and the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP); (3) to analyze DOL's proposed revisions to the OFCCP regulations; (4) to assess the likely impact of severe projected budget cuts in programs relating to the enforcement of EEO laws; and (5) to review the Administration's EEO enforcement policies.

Hearings began on July 15, 1981 in Washington, D.C., followed by field hearings on August 11 in Chicago, Illinois and on August 14 in Los Angeles, California, and concluding with hearings in Washington, D.C. on September 23 and 24, and October 7, 1981. During the course of these hearings, the Subcommittee heard testimony from more than 50 witnesses representing the Administration, civil rights advocacy organizations, the academic community, business associations and corporations, public sector employers, and organized labor.

On the basis of these hearings, the Subcommittee issued the following report in February 1982: "Report on Affirmative Action and the Federal Enforcement of Equal Employment Opportunity Laws." The major findings, based on these hearings and investigations of current EEO enforcement policies and actions, include:

(1) The Administration has failed to articulate a clear policy with respect to EEO law enforcement and has tolerated conflicting policy statements by administrative officials responsible for ensuring enforcement of EEO laws.

(2) There is substantial misunderstanding regarding the meaning and requirements of "affirmative action", exacerbated by the Administration's unclear and contradictory EEO policy statements.

(3) While substantial employment gains have been made by minorities and women, many occupations and industries reveal a marked underutilization of these groups. Thus, there remains a continuing need for strong and effective enforcement of EEO laws.

(4) The Department of Labor's proposed revision of its regulations implementing Executive Order 11246 unnecessarily eliminates compliance requirements, undermines effective EEO enforcement, and fails to address the legitimate concerns of employers regarding arbitrary enforcement practices and excessive paperwork.

(5) Inadequate attention is given to increasing the supply of qualified minorities and women by contractor training programs. Severe reductions in federally-funded employment and training programs have limited the pool of qualified minorities and women for job openings which exist in private industry.

(6) The severe and arbitrary budget cuts sought and obtained by the Administration will adversely effect the enforcement of all EEO programs, jeopardize recent improvements in EEO enforcement, undermine both deterrents to discrimination and incentives for voluntary compliance, and lend weight to the growing concern that the Federal Government is retreating from its equal employment opportunity commitment.

Civil Rights Amendments Act of 1981

Legislative

A hearing on H.R. 1454, the Civil Rights Amendments Act of 1981, was held on January 27, 1982. The bill amends hte Civil Rights Act of 1964 to provide that an individual will not be discriminated against on the basis of his or her sexual preference in employment, housing, public accommodation, and federally-assisted programs. The Subcommittee did not take any further action on H.R. 1454 during the second session of the 97th Congress.

EEO in the National Football League

Oversight

On June 10, 1982, the Subcommittee conducted an oversight hearing on equal employment opportunity in the National Football League (NFL). The union representing NFL players, coaches and football players testified on alleged discrimination of blacks in coaching and administrative positions in the League. A research scientist from the Center for Social Organization of Schools at Johns Hopkins University also testified regarding his study on recruitment and promotional opportunities for blacks in professional team sports. Also testifying about charges of racial discrimination in the NFL was a representative from the Citizens Panel on Equity in the National Football League.

AGE DISCRIMINATION IN EMPLOYMENT ACT

Legislative

In 1978, the Congress amended the Age Discrimination in Employment Act of 1967 (ADEA) to raise the mandatory retirement age from 65 to 70 years of age for most private sector employees and completely uncapped the retirement age for most federal employees.

On September 9, 1982, the Subcommittee held a hearing on H.R. 6576, the Prohibition of Mandatory Retirement and Employment Rights Act of 1982. H.R. 6576 would further amend the ADEA to eliminate the upper age limit. Witnesses who testified included the U.S. Department of Labor, the National Council on the Aging, and representatives from the National Association of Manufacturers and the U.S. Chamber of Commerce. No further action was taken on this bill during the remainder of the 97th Congress.

REPORT OF THE ACTIVITIES OF THE SUBCOMMITTEE ON HEALTH AND SAFETY DURING THE 97TH CONGRESS

JOSEPH M. GAYDOS, *Chairman*

AUSTIN J. MURPHY	KEN KRAMER
RAY KOGOVSEK	EUGENE JOHNSTON
HAROLD WASHINGTON	LARRY E. CRAIG, Ex Officio
CARL D. PERKINS, Ex Officio	

PAUL DWYER, *Counsel*

The Subcommittee has general jurisdiction over matters related to the health and safety of workers and the health and safety of youth campers.

Specifically, Subcommittee jurisdiction encompasses the following public laws:

Occupational Safety and Health Act of 1970 (P.L. 91-596)
Federal Mine Safety and Health Act of 1977 (P.L. 95-164)

The Subcommittee, during 1981 and 1982, held 27 days of oversight hearings on the following laws within its jurisdiction:

(a) Occupational Safety and Health Act of 1979—21 days
(b) Federal Mine Safety and Health Act of 1977—6 days

Oversight hearings

I. Series of Underground Coal Mine Fires and Explosions Which Occurred During December 1981 and January 1982.

II. Revocation by the Occupational Safety and Health Administration of Proposed Rules on Hazards Identification.

III. State of the Agency Report by Assistant Secretary Thorne G. Auchter of the Occupational Safety and Health Administration.

IV. The Occupational Safety and Health of the Federal Employee.

V. The Proposed Transfer of the Rockville, Maryland, Operations of the National Institute for Occupational Safety and Health.

I.

Series of Underground Coal Mine Fires and Explosions Which Occurred During December 1981 and January 1982:

1. On December 7, 1981, an explosion occurred at No. 11 mine of Adkins Coal Company located at Kite, Knott County, Kentucky, killing 8 miners.

2. On December 8, 1981, an explosion occurred at No. 21 mine of Grundy Mining Company, Inc. at Whitwell, Marion County, Tennessee, killing 13 miners.

3. On January 20, 1982, an explosion occurred at R.F.H. Coal Company's No. 1 mine at Craynor, Floyd County, Kentucky, killing 7 miners.

In response to this tragic loss of life in underground mining, the Subcommittee, beginning on February 23, 1982, conducted 6 days of hearings into the causes of the explosions.

The following individuals testified at these hearings:

Hon. Nick Joe Rahall, II, U.S. Representative, 4th Congressional District for West Virginia.
Hon. Paul Simon, U.S. Representative, 24th Congressional District for Illinois.
Hon. Ford B. Ford, Assistant Secretary of Labor for Mine Safety and Health.
Mr. Thomas J. Shepich, MSHA.
Mr. Joseph Lamonica, MSHA.
Mr. Madison McCulloch, MSHA.
Mr. Robert Elam, MSHA.
Mr. Earnest Teaster, MSHA.
Mr. William Holgate, MSHA.
Mr. Freddy Compton, MSHA.
Mr. Stanley Allen, MSHA.
Mr. James Begley, MSHA.
Mr. Clarence Ritchie, MSHA.
Mr. Charles Hendrickson, MSHA.
Mr. Dwight Greenlee, MSHA.
Mr. Samuel Church, President, International Union of United Mine Workers of America.
Mr. Joe Taylor, UMW.
Mr. Danny Davidson, UMW.
Mr. Richard Barchiesi, UMW.
Mr. Glen Beckett, UMW.
Mr. Richard Mulholland, UMW.
J. Davitt McAteer, Esq., Center for Law and Social Policy.
Joseph A. Yablonski, Esq., representing the widows of miners killed in December 7, 1981, explosion.

Widows and relatives of the miners killed at the No. 11 mine of Adkins Coal Company:

Mrs. Beulah Gibson.
Mrs. Annis Mae Ashley.
Mrs. Jewelene Centers.
Mrs. Barbara Slone.
Mrs. Joyce Blackburn.
Mr. Kenneth Blackburn.

Widows of miners killed in Scotia Mine disaster on March 9, 1976:

Mrs. Jenifer Boggs.
Mrs. Debbie Turner Stidham.

Mr. Louis H. Hunter, Executive Vice-President, National Independent Coal Operators Association.

Mr. Larry R. Jones, Knott-Letcher-Perry Independent Coal Operators Association.

Mr. Carl F. Painter, Chairman, Engineering and Technology Division, Southwest Virginia Community College.

Mr. Robert L. Adams, Assistant Safety Director, Southeast Coal Co.

Mr. Willard Stanley, Commissioner, Department of Mines and Minerals, the Commonwealth of Kentucky.

Synopsis of testimony

1. Congressman Nick Joe Rahall, II, 4th Congressional District, West Virginia: "1981 will certainly go down in the annals of the mine safety movement as a year of unmitigated devastation and destruction of human life and property."

"MSHA is not, and has not, been meeting inspection quotas." "The Logan, West Virginia, field office dropped from 1978 of 33 inspectors to last year's level of 11 regular inspectors and 6 specialists."

"MSHA had $1.5 million in unobligated money from last year's budget that was not spent.

"In discussions that I have had with mine safety inspectors from the United Mine Workers Union, and other coal miners in the field, especially in my Logan district office, the impression I get is one in which the MSHA inspector is basically in fear of his job. He hears of the RIF notices coming down. He doesn't know whether he is going to get one next week, or next month, and of course, that leads to job insecurity."

2. Congressman Paul Simon, 24th Congressional District, Illinois: "In 1980, 129,921 citations were issued by MSHA. Last year 108,914. Follow-up inspections to insure that violations had been corrected were down 69 percent from 1980 to 1981. Serious violations cited dropped 30 percent during that time period and 44 percent fewer penalties were assessed."

"We must reassure the inspectors that they do have job security so that we do not lose them to other industries. We must reassure inspectors that government—at all levels—will stand behind their full and fair enforcement of existing laws."

"The history of state inspections in Illinois has generally not been a good one, and every coal miner in my district will tell you that state inspections are not taken as seriously as federal inspections."

"I think you will see that the number of inspections went down during the course of 1981, and, I think as that went down, you saw the number of fatalities and injuries go up."

"I would not want to see any movement away from at least four inspections a year on coal mines, particularly the underground coal mines."

"I don't think you can look at the statistics and what has happened without coming to the conclusion that what we have done in the way of cutting back on personnel has cost lives."

3. Mr. Church and Mr. Taylor on behalf of the United Mine Workers: Both the No. 11 mine of Adkins Coal Company and the R.F.H. Coal Company No. 1 mine were U.M.W. mines.

"The 1969 and 1977 Acts have been the single most important factor in lowering coal mine fatalities."

"As a result of the reduction in personnel in MSHA, there has been a reduction in the number of citations written, closure orders and assessments. This seems to have sent a signal to the coal industry that their message of deregulation and reduced government is being heard by MSHA administrators and resulting in a more relaxed attitude toward mine health and safety."

"We feel that this implied signal was confirmed when reduction-in-force notices were sent out in October. Since that time, the number of violations and orders written for the last quarter of 1981 as compared to the last quarter of 1980 in one MSHA district alone—District 2—has shown 174 less violations in 1981 and 138 less inspections."

"In total, there were 5,117 less inspections in 1981 than in 1980, yet we had an additional 426 mines. Commonsense will tell you that even though legislative action has not been taken to deregulate mining, the action taken of reducing the inspection force and, at the same time, increasing MSHA inspectors' responsibilities when the number of mines are increasing will achieve the same results as deregulation."

"Increasing MSHA's presence in the mines does reduce accidents and fatalities. The statistics supported this rationale. From 1942–1952, with no mandatory federal inspections, there were approximately 998 fatalities per year. From 1953–1963, the adoption of three inspections per year led to a reduction in annual coal mine deaths to 324. From 1970–1980 with the implementation of four mandatory inspections resulted in greater than a 50 percent reduction in average amount of fatalities."

"The fatality rate per million tons of coal also shows a significant decline with the implementation of four inspections. With three inspections per year the average death rate in 1959–1969 was .54 per million tons. Since the 1969 Act, which required four mandatory inspections, the rate has dropped to .24 per million tons."

"In addition to the safety advantages of more frequent inspections, there is a strong correlation between improved dust control and inspections. Fewer inspections will lead to an increase in respirable dust concentrations and eventually cause more cases of black lung as well as explosions."

"The federal inspections have been completely inadequate. In most states there are insufficient state inspections. Had it not been for the cutback in manpower after the 1977 Act, we feel fatalities would have gone below 100 a year."

For MSHA to do its job properly, it would need 1,500 coal mine inspectors.

4. Mr. McAteer, Mr. Yablonski and the widows and relatives of miners killed at the No. 11 mine at Adkins Coal Co.

The following complaints were made by the deceased miners to their widows prior to the explosion:

(a) The miners had to purchase their own tools and safety equipment.

(b) The coal dust was so thick that the miners couldn't travel through the mine.

(c) There was insufficient rock dusting.

(d) The miners were under great pressure to increase production and that safety was being disregarded.

(e) Explosives were hauled into the mine in an open scoop rather than the special closed containers required by law.

(f) Blasting caps were hauled in an open scoop.

(g) Coal was shot without using incombustible stemming in the drill holes.

(h) Powder at the face was left throughout the shift and was not stored in the powder magazine.

(i) Too much powder was used in the bore holes.

(j) The company was shooting 3 faces simultaneously.

(k) The operator would not furnish sufficient dust bags for use with the bolting machine, thus allowing more coal dust to float.

(l) The company required the miners to blast under unsupported top.

5. Mr. Hunter, Mr. Jones, Mr. Painter and Mr. Adams for the National Independent Coal Operators Association: "More inspectors is not the answer."

"There is a tremendous amount of smoking in mines. It's very bad and I think there should be some penalties on the employees as to their unsafe practices."

"Shooting on the solid has proven its own safety record. During December 1981 and January 1982, 15 men died from negligence in shooting on the solid. But 17 men died during the first 11 months of 1981 while operating or assisting in the operation of continuous miners."

"Solid shooting has been used in all size mines to blast open ventilation airways for new sections or to supplement existing ventilation requirements without making expensive equipment moves to remote areas of the mine. This can also be performed quicker, possibly eliminating dangerous methane build-up in other areas of the mine by utilizing this shooting on the solid method, without having to use the expensive face equipment, tearing it down and bringing it down to an area, setting it back up again, stopping production, and maybe even causing disruptions in the ventilation system itself."

"Solid shooting has its advantages as well as it disadvantages. I believe today that you will find the advantages easily outweight the disadvantages."

"We do not need new laws or regulations. We need only comply with the ones that presently exist."

"If there is a trade-off to be made between inspection and training, this would be a tragic mistake."

"In the State of Kentucky at this time there are 313 mines presently using the method of shooting on the solid. They employ 3,243 employees. Outlawing shooting on the solid mining in Kentucky would be detrimental to the economy at this time, when unemployment is at a high rate in our state."

6. Mr. Stanley for Department of Mines and Minerals, Commonwealth of Kentucky:

During 1981 Kentucky had 1,260 licensed underground coal mines of which 313 (or 25 percent) shoot from the solid. These particular mines employ 3,231 miners.

The Kentucky Department of Mines and Minerals has 44 inspectors, 48 mine safety analysts, 15 explosion and blasting inspectors and 8 people to take care of oil and gas.

The State of Kentucky will require a coal driller to be certified and to obtain a permit before drilling indicating the exact pattern to be drilled, which will then be checked before blasting, and will require that rock dusting be done all the way to the face.

The first violation in solid shooting will result in a mine closure for 2–5 days. The next violation will call for the cancellation of the permit.

On January 22, 1982, Kentucky State inspectors conducted "blitz" inspections in the 313 mines that shoot from the solid. As a result of violations noted, 37 mines were closed because of imminent danger conditions. Coal dust and improper rock dusting were the major violations observed. There were very few cases of misuse or mishandling of explosives or misfiring of shots.

"We had people from the RFH Coal Company in our offices on the Friday before they were blown up on Wednesday. They were thoroughly oriented on what happened at Adkins Coal Company. I had an inspector from the field go in and show these people exactly what happened, how it happened, and then they worked two days."

"I do not know how you could have done more than we did to explain to the Hamilton and RFH people what had gone wrong at Adkins Coal Company. We took an inspector and we had the instructor step aside and let our inspector, who was on the site, and saw it with his eyes, explain what happened with the blown out shot and how it occurred, and all of the mistakes that were made to these people.

"I do not know how you could do it any better."

"The Kentucky State program has worked, but we did not concentrate on explosives, because we did not have a signal that we had that problem in Kentucky."

Kentucky State inspectors had inspected the RFH mine on November 30, 1981. At that time, it was deemed a safe mine.

The Governor's Commission on Deep Mine Safety, which met in January 1982, considered the problem of shooting from the solid and concluded it could be done safely and did not recommend it be banned.

Currently, when a miner has 90 days experience and passed a test he becomes a certified blaster. But this will be changed and such miner will have to have 1 year's experience working with a certified blaster before he will be certified.

7. Mr. Ritchie and Mr. Henderson, MSHA inspectors who conducted the last MSHA inspection at no. 11 mine of Adkins Coal Company prior to the explosion on December 7, 1981:

Mr. Ritchie conducted the last complete inspection during October 7–22, 1981. Rock dusting was properly done. Did not observe any shooting on the solid. Did observe mine stemming devices in one section of the mine. The mine was in fairly decent condition. Did issue 7 citations, including a violation on a methane monitor on a scoop; on an automatic fire system warning device; on frame grounding.

He was not accompanied by any miner representative.

No miner made any complaints; specificially, none concerning alleged unsafe procedures in shooting on the solid, or that there was excessive coal dust or inadequate rock dusting.

On another section of the mine, did observe miners making stemming devices for use in bored holes.

Contacted UMW representatives prior to the inspection, but they did not accompany him on his inspection.

8. Mr. Compton and Mr. Allen, MSHA inspectors who conducted the last MSHA inspection at RFH Coal Company's No. 1 mine prior to the explosion on January 20, 1982:

Last inspected on November 3 and 4, 1981—a complete inspection. No violations noted.

They spoke with the miners but none accompanied them on the inspection.

Observed that shooting from the solid was done properly. Used clay for stemming. Proper rock dusting.

9. Mr. Ford, Mr. Lamonica, Mr. Elam, Mr. Teaster, and Mr. Holgate, for the Mine Safety and Health Administration: "With respect to the Logan, West Virginia MSHA office, the inspection completion rate for 1981 was 73 percent. This office experiences a very unusual and a very high attrition of inspectors."

"Since shooting off the solid was the blasting method used at both the Adkins and RFH mines, MSHA, in conjunction with the Kentucky State Department of Mines and Minerals and four explosives manufacturing companies, developed a training program regarding this method. This program is being widely disseminated throughout the Kentucky coal fields to instruct the operators and miners in correct techniques for employing this blasting method and how to avoid any hazards. MSHA will also soon have the program available for training miners in other states where coal is shot from the solid."

"It is designed primarily as an awareness program to educate the shot firers as to the safe practices or the practices that are considered a safe method of shooting from the solid, make them aware of the hazards associated with shooting off the solid when these practices are not followed. That is the primary purpose of training—safety awareness."

(a) No. 11 Mine of Adkins Coal Company

On Monday, December 7, 1981, at about 2:30 p.m., while shooting from the solid, a blown out shot occurred in the face of No. 1 entry. A train of explosives, approximately 74 inches in length in a hole failed to detonate, This caused the next shot to blow out. There were 6 pounds of explosives in this hole—whereas the MSHA legal limit is 3 pounds. There was no evidence of stemming in this hole. The flame from the hole that blew out ignited coal dust and caused the explosion, killing 8 miners. Methane did not enter into the explosion.

Of a total of 48 inspections at this mine, there were 11 inspections of the entire mine during the past 3 years. The only violation cited at this mine during those 3 years which might relate to the explosion was a citation for inadequate rock dusting in July 1981.

"The investigators concluded that a coal dust explosion occurred when a blown-out shot from the right corner blast hole of the No. 1 entry face on the south main section ignited coal dust which had been put into suspension by the blasts of this face and the face of the right crosscut. The coal dust deposited on the floor, roof and ribs from previous mining operations was also placed into suspension by the blasts, ignited and contributed to the propagation of the explosion. The blown-out shot occurred in the last hole in the sequence of shots which were initiated by delayed electric blasting caps having a nominal delay time of 25 to 700 milliseconds. The blown-out shot was caused when the second hole from the corner failed to completely detonate leaving the corner hole overburdened. The remainder of the partially failed hole, 74 inches in depth, contained a continuous train of undetonated explosives without a blasting cap or stemming."

"The following conditions and practices contributed to the cause of the explosion and its propagation:

1. The investigation revealed that each blast hole was charged with about 6 pounds of explosives and it was a practice to use a 50-pound case to blast each face;
2. Miners employed at the mine stated that the paper wrappings around the cartridges of explosives were slit before inserting the cartridges into the blast holes and that the deformed cartridges were tamped into the hole and blasted without stemming;
3. Water, with or without a wetting agent, or other no less effective methods, was not applied to coal dust on the ribs, roof and floor, particularly in distances less than 40 feet from the face, to reduce dispersibility and to minimize the explosion hazard;
4. Sufficient quantities of rock dust were not applied to the mine surfaces to render the coal dust inert to prevent the explosion from propagating;
5. Coal dust, including float coal dust, and loose coal was permitted to accumulate along the entries in the working section in the areas immediately outby and in the entries developed to the left of the section loading point; and,
6. Line brattices, or other approved devices were not installed and maintained in the working places to remove the coal dust that was dispersed into suspension when coal was being blasted from the solid in the faces of the entries and connecting crosscuts."

(b) No. 21 Mine, Grundy Mining Company, Inc.

At approximately 12:00 noon on December 8, 1981, a methane explosion occurred in 3 sections of the mine, killing 13 miners. 43 miners working in other areas of the mine were not injured.

Mining operations were under the direction of the section foreman, the general mine foreman, and assistant superintendent, all of whom were killed.

When a bore hole was drilled into an abandoned area, methane from the abandoned area flowed into the active working area. The bleeder system of the banadoned area was not effective.

The day shift foreman telephoned the general mine foreman and assistant superintendent that methane in excess of 5 percent was present in the 3 working places and the day shift foreman was instructed to stop production activities and ventilate the area.

The air to ventilate the face area was short-circuited because of a missing check curtain and did not reach the face.

Smoking articles, cigarette butts, cigarettes and a lighter were removed from the pockets of four victims, a management official and three workers. Cigarettes were found in three of the victims' lunch buckets. A cigarette lighter was observed on the floor near the work area.

It is likely that a miner used a cigarette lighter, which ignited the methane that flowed through from the abandoned works.

Contributing to the explosion was management's failure to install ventilation controls necessary to maintain adequate ventilation within the section; to maintain a bleeder system, or to seal abandoned pillar areas, and not removing miners from the area affected by the methane.

The mine operator did have a program to search lunch buckets for combustible materials. The mine had been cited for ventilation violations 24 times in the past 3 years.

There were 4 MSHA inspections of the entire mine in 1981.

"The investigators conclude that methane accumulations in the Nos. 2 and 3 left gob off 5 right flowed through the 4 foot by 7 foot hole and test boreholes in Nos. 2 and 3 entries of 003 section. Because intake air to the section was short-circuited from the faces at a crosscut between Nos. 2 and 3 entries (3 crosscuts outby the faces), methane migrated into the 003 section from the faces of Nos. 2 and 3 entries. It is concluded that a miner used a cigarette lighter igniting the methane-air mixture causing the explosion. Apparently the miners saw the burning gases just after ignition. This observation is supported by the fact that 12 of the 13 miners (victims) were headed outby when they were overcome by the explosion. In further support of this conclusion, personal effects (miners hats, a hammer, two flame safety lamps and a jacket) were located inby the bodies of the respective victims. These observations indicate to the investigators that the miners were traveling away from the ignition source."

"The failure of management and miners to abide by the smoking prohibition and the failure of management to provide ventilation controls necessary to maintain adequate ventilation in the 003 section and to maintain an effective bleeder system for the 5 right abandoned area were the direct causes of the explosion. Contributing thereto was the failure of management to enforce the approval smoking prohibition program and the failure of management to remove miners from the area affected by methane migrating from the intersected 5 right abandoned area."

(c) RFH Coal Company's No. 1 Mine

On January 20, 1982, at approximately 9:40 a.m. a coal dust explosion occurred killing all 7 miners working underground.

The mine was extremely dry, inadequately inerted, with accumulations of coal dust. Float coal dust and loose coal were observed at various locations throughout the mine.

Explosive charges had been placed in 43 bore holes that were ready for blasting, but had not yet been detonated.

Stemming material had not been placed in any of the 43 holes. Explosives were removed from some of the holes which revealed that from four pounds to six and a half pounds of explosives were being used per hole.

"The investigators concluded that coal dust was ignited in the No. 5 room when explosive charges were detonated in the developing crosscut between the Nos. 5 and 6 rooms. The crosscut was being mined from the No. 6 room toward the No. 5 room. Prior to blasting, the coal remaining in the crosscut between the 2 rooms was approximately 5 feet in thickness. When the crosscut was blasted, the place shot through into the No. 5 room. The flames from the explosives were not contained within the boreholes due to either a blown-out or blown-through shot caused by an unconfined shot, excessive explosives used per hole, an overburdened or underburdened shot. The flames resulting from the explosives ignited a cloud of coal dust in the No. 5 room; the flames then propagated into the No. 6 room well as out of the No. 5 room into other areas of the mine.

The following conditions and practices contributed to the explosion and its propagation:

1. Water, or other no less effective methods, was not applied to coal dust on the ribs, roof and floor, particularly in distances less than 40 feet from the face, to reduce dispersibility and to minimize the explosion hazard;
2. Line brattices, or other approved devices were not used in the No. 5 room to provide adequate ventilation in the face area to remove coal dust that was in suspension.
3. Sufficient quantities of rock dust were not applied to the mine surfaces throughout the mine to render the coal dust inert.
4. Coal dust, including float coal dust, and loose coal was permitted to accumulate along the entries and rooms, and the areas outby the working section."

During 1981 MSHA had conducted 4 complete inspections of the mine.

II.

Revocation by the Occupational Safety and Health Administration of Proposed Rules on Hazard Identification—Section 6(b)(7) of the Occupational Safety and Health Act of 1970 (Public Law 91-596) provides in pertinent part:

(7) Any standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure . . .

The matter involving an employee's right to know the identification of hazardous substances that he or she may be exposed to has been under consideration at the Occupational Safety and Health Administration for several years.

On January 16, 1981, the Occupational Safety and Health Administration published in the Federal Register, "OSHA Proposed Rules on Hazards Identification; Notice of Public Hearings on Proposal."

The proposed rules and notice of hearing were withdrawn on February 13, 1981.

In response to the withdrawal of the proposed rule and cancellation of the projected public hearings, the Subcommittee conducted a series of oversight hearings to review the proposed rule.

Appearing before the Subcommittee were representatives of:

AFL-CIO.
United Steelworkers of America (AFL-CIO).
Oil, Chemical & Atomic Workers International Union (AFL-CIO).
Chemical Manufacturers Association.
Shell Oil Co.
Monsanto Co.
Exxon Chemical Americas.

E. I. du Pont de Nemours & Co.
Mooney Chemicals, Inc.
Motor Vehicle Manufacturers Association.
International Chemical Workers Union.
International Union-United Auto Workers.
Master Chemical Corp.

During the course of the hearings it was very clear that there was no disagreement over an employee's right to know the identity of the hazardous substances to which he or she may be exposed.

Rather, the disagreement was directed to the specific manner set forth in the proposed rule for identifying hazardous substances and conveying this information to employees.

More particularly, the employer representatives criticized:

First: The procedure to be followed in making a risk assessment.

Second: The specific requirements as to scope and extent of labeling hazardous substances and materials.

Third: The provisions with respect to safeguarding trade secrets.

Fourth: The provisions pertaining to the identification of substances and mixtures with chronic adverse health effects.

In May 1981, Assistant Secretary for Occupational Safety and Health Thorne G. Auchter announced that, "Since the withdrawal, the agency has established an internal task force to review the labeling proposal. Based on the work of this group, the agency intends to publish a new labeling proposal by September 1, and to begin public hearings in the fall."

On March 19, 1982, the Occupational Safety and Health Administration published in the Federal Register a proposed standard on hazard communication. Public hearings were held in June and July 1982.

III.

State of the Agency Report by Assistant Secretary Thorne G. Auchter of the Occupational Safety and Health Administration—According to Secretary Auchter:

His goal is to have 1,200 federal compliance officers to concentrate on the most hazardous workplaces.

There will be fewer follow-up inspections, as history indicates that generally follow-up inspections disclosed abatement had been effectuated.

Emphasis will be placed on use of informal conferences to expedite settlement of citations.

Current targeting system on conducting inspections at high-hazard establishments allows OSHA inspectors to spend more time at firms where records of lost workday injuries indicate the possible existence of serious safety hazards.

He plans to implement a new health targeting system in fiscal 1983.

OSHA's current targeting system does *not* "exempt" any workplace in the affected industries from the possibility of a full OSHA inspection. "Moreover OSHA continues to respond to accidents, fatalities and employee complaints in all workplaces including those which would otherwise not be subject to comprehensive inspections under our present targeting system."

In order for a citation to issue under the general duty clause of the OSHA Act:

1. The hazard must be recognized;
2. It must be a serious threat to employee health and safety; and
3. There must be a feasible means to correct the problem, and no OSHA standard applies.

The general duty clause may not be used to impose a stricter requirement than that set by a standard, to require a particular abatement method not set forth in a specific OSHA standard, nor to enforce consensus standards where "would" rather than "shall" appears.

The voluntary protection programs initiated by OSHA are intended to supplement rather than replace OSHA's enforcement activities.

OSHA's "New Directions" program remains an important part of the agency's efforts to educate employers and employees in solving workplace problems. Grantees are expected to focus on activities that have a direct bearing on reduction of workplace hazards, but that do not duplicate other OSHA efforts. The regional OSHA offices are now responsible for most of the monitoring.

The agency has begun an extensive revision of its state plan monitoring system. When the state plans are fully integrated into the agency's management information system, state-supplied data will be the principal monitoring tool.

He intends to develop a comprehensive strategy for assistance to federal agencies to encourage them to upgrade their safety and health programs.

He has projected the issuance of 16 major safety standards by 1984.

Four principles guide OSHA in standard setting:

1. There must be a demonstration of significant risk.
2. It must be shown that the standard will reduce the risk.
3. The agency must show the regulation is economically and technologically feasible for an entire industry.
4. Must carefully analyze the cost-effectiveness of the various means of achieving the level of protection.

A simplified electrical safety standard has gone into effect.

New stricter blood-level requirements for workers with high exposure to lead have gone into effect.

The new hearing conservation amendment is shorter and less complex than the one it replaces. It requires employers to provide hearing conservation programs for all employees exposed to a noise level of 85 or more decibels on an 8-hour time-weighted average.

The initial cost of the proposed hazards communication standard is $581 million compared to $2.6 billion for the withdrawn proposal. Annual cost would be $228 million compared to $1.75 billion for the withdrawn proposal.

The current reduction in force (R.I.F.) along with the closing of several OSHA offices, is directed at maintaining a level of 1,700 compliance officers.

IV.

The Occupational Safety and Health of the Federal Employee

In the 96th Congress, the Subcommittee initiated comprehensive oversight hearings into the safety and health programs of federal agencies. These hearings continued in the 97th Congress and representatives of the following federal agencies testified before the Subcommittee:

Department of Energy
Veteran's Administration
Tennessee Valley Authority
National Aeronautics and Space Administration
Department of Agriculture
Department of the Treasury
Department of Defense
General Services Administration
Department of Labor
Occupational Safety and Health Administration

The agency representatives testified as follows:

Department of Energy

The employee safety management function in DOE is located in the Office of Personnel. Each DOE field establishment has full-time occupational safety and health personnel.

Department of Energy employees receive general training in occupational safety and health, as well as specific training relating to the function of their field establishment.

DOE has 20,000 federal sector employees and 120,000 contract employees. The contract employees are at higher risk than the federal employees. Their greatest risks involve explosives, radiation exposure, and electric transmission.

DOE's lost workdays per 20,000 hours is 1.07; the average for the federal government as a whole is 3.39. Their reportable injuries and illnesses per 200,000 hours work is declining but lost workday cases per 200,000 is increasing.

DOE elected not to set up the safety committee authorized under the recent Executive order, because of the prior existence of safety and health committees in many of their field locations which were established under their labor contracts. Forty to forty-five percent of DOE employees are covered by collective bargaining agreements.

In DOE facilities that are government-owned but contracted out, OSHA does not inspect; DOE is responsible for safety and health. This is under section 4(b)(1) of the act providing for exemption of certain federal activities where other federal legislation authorizes that federal agency to undertake and maintain a health and safety program. This would cover those 120,000 contract employees.

DOE has adopted all occupational safety and health standards for federal employees legislated by law and has included them in their occupational safety and health orders.

Veterans' Administration

The VA, through the Department of Medicine and Surgery, operates the largest centrally managed health care system in the Nation. This system is comprised of 172 medical centers, 1 independent domiciliary, and 49 satellite or independent outpatient clinics.

The objectives of the VA safety and health program are: The safety of patients, beneficiaries, and the public; safety and occupational health records and property.

Each VA field facility director is directly responsible for the safety and health program at his or her facility. The director is fully responsible for conducting programs of inspection, employee training, hazard abatement, as well as preparing an annual self-evaluation of field facility activities in these areas.

The VA requires that each employee be trained to perform assigned duties in a safe manner. Each supervisor must identify safety training needs and monitor job performance. VA supervisors are given an 8-hour supervisory safety training course in which the agency's safety program is described, the supervisor's role and responsibilities are explained, and educational materials to be distributed to subordinate employees are discussed.

The VA has an intermediate level safety and health inspector to evaluate and report on the facility safety and health programs. These officials are known as district safety and fire protection engineers. Their primary emphasis is in carrying out the requirements of 29 CFR 1960 regarding the inspection of employee workplaces. They work independently of any facility director and report directly to the VA Central Office for technical guidance and program direction.

The VA Central Office acts as the coordinator of the employee safety program. It also acts as the agency's final arbitrator on areas of disagreement between the district safety and fire protection engineers and the facility directors.

Directors of VA field units are assisted in implementing and monitoring their safety programs by 754 full-time safety personnel.

All VA workplaces are required to be inspected on an annual basis by the district safety and fire protection engineers. More frequent inspections are provided as needed. This inspection visit is normally announced to the facility director 2 to 3 weeks in advance. An employee representative is invited to accompany the district safety and fire protection engineer. The inspection includes an opening conference, a review of the facility safety and health program, a walk-through of workspaces, and a closing conference. An inspection report is then prepared by the district safety and fire protection engineer and forwarded to the facility director for comments. These comments are returned to the district safety and fire protection engineer who then forwards the complete package to Central Office.

Facility directors also conduct inspection programs to identify and correct hazardous working conditions. Inspections are promptly initiated in response to employee reports and appropriate corrective actions are taken.

The VA and the Office of Federal Agency Programs at OSHA have had frequent contact and the VA finds it to be an excellent working relationship. However, VA believes that their own safety inspections, their annual inspections, the inspections that they make for specific purposes, and the response they give to the employees who make complaints, is far better than OSHA could do for them.

Tennessee Valley Authority

"Despite dedicated efforts by many TVA management and safety professionals, our lost time incident rate has continued to go up, as have our total compensation costs."

"An industrial engineering staff study indicated that TVA spends more on its efforts to make TVA a safe place to work than most other companies doing the same kind of work; that some TVA managers may actually be relying too much on our safety experts and not getting enough involved themselves in promoting good, safe work practices; and that successful companies have an impressive commitment to safety from the top down."

"We believe it is essential that TVA redirect its program from a staff-dominated one to one having a supervisor/employee focus."

"We will place greater emphasis on manager accountability for safe work practice at the site and on involving local operating personnel in setting performance goals and making workplace inspections."

"We have established a task force consisting of representatives of engineering design, health and safety, and operating organizations to develop a systematic approach to (1) identify existing and anticipated health and safety deficiencies, (2) rank them according to their hazard potential, (3) establish an abatement strategy based on consideration of hazard potential, methods of correction, cost, and other pertinent factors, and (4) incorporate the cost of abatement into the budget process as a distinct line item for health and safety. This approach permits TVA-wide planning and allows management to optimize the allocation of resources in correcting workplace hazards in a logical and cost-effective manner."

An industrial engineering staff study concluded that TVA was "not doing a good enough job of holding our first line supervisors and managers accountable personally for safety in the workplace." "We believe that a lot of our managers are relying on the safety professional to take care of all the workplace concerns and not taking his responsibility in seeing that his workplace is safe and that he is administering as much as he should."

TVA has elected to establish a certified health and safety committee under the new OSHA regulations.

The labor-management committees meet regularly and, "we are quite pleased with the work that they are doing."

TVA is currently preparing a hazard control manual to define the occupational safety and health responsibilities of managers and employees.

"We will be holding our employees responsible as well, and there will be a new emphasis placed on employee response to health and safety requirements within the agency and we would expect the same type of disciplinary action to be taken against the employees if they do not follow the safety rules and regulations, as we do our managers."

"Our organization of occupational health and safety has responsibility in the agency, corporate responsibility for development of standards, procedures and policies for the agency. They also have a compliance responsibility and monitoring responsibility in the workplace. They have the inspection teams. They go into our workplace unannounced, make these inspections and follow-up to see that the deficiencies are corrected and report anything to my office that is not being followed up on."

TVA is 90 percent unionized. Union representatives accompany TVA safety and health officials when making inspections.

TVA is currently developing a career management program for safety and health professionals.

National Aeronautics and Space Administration

"Responsibility for the safety and health of our employees and our operations is placed on line management, and these responsibilities form part of the performance appraisal for our senior executives, our supervisors and our managers."

"Our record in this area is noteworthy, not only for its historically low injury and illness rates but also for the decline in those rates over several years, contrary to the trends in the private sector and the federal community."

"Our operations involve high pressures, liquid and gaseous fuels, extremes of temperature, underwater operations and flight operations, many of which involve one of a kind projects on the leading edge of technology. For many of these, we are left to our own inherent knowledge and research to devise methods of operating to ensure the safety and health of those involved. It is in these potentially hazardous operations where our record excels, and from this experience, we are applying this knowledge to the more routine industrial workplace problems."

"We have recently consolidated into a single organization, the responsibility for all safety matters in the agency regardless of the relationship to the programs."

"We also use the NASA operations and engineering panel to review major ground based projects and programs in their design phase to ensure that safety and health conservation are designed in and need not be added later."

"Each of our field centers is staffed by full-time safety and health professionals."

"In 1981 we employed 559 full-time safety and health professionals (334 safety and 225 health). In addition we have approximately 88 full-time equivalent collateral duty safety and health personnel."

"NASA has adopted the OSHA general industry and construction safety and health standards."

"All of NASA's workplaces are inspected annually by full-time safety and health specialists."

While NASA opted to not have OSHA certified safety and health committees, the agency has had safety and health committees at several of its installations and continues to use them. These committees, which consist of supervisors and union representatives, review new operations and periodically inspect workplaces for unsafe or unhealthful conditions.

"The headquarters safety and health offices, in conjunction with their counterparts in reliability and quality assurance, conduct evaluations of the management of safety and health programs in the field. The goal of these evaluations is to enhance mishap prevention efforts and to strengthen the effectiveness of the safety and health programs. The specific objectives of the evaluations are to:

1. Assess the effectiveness of program management.
2. Identify hazards and suggest corrective action.
3. Determine the adequacy of standards and procedures.
4. Observe compliance with sound safety and health practices."

Department of Agriculture

"The accident/illness record at the Department of Agriculture has been improving significantly over the last 3 or 4 years."

"In the area of illnesses, we found that close to 50 percent of what occurs in the Department of Agriculture has to do with things relating to plants, trees and vegetation, which is really poison ivy, poison oak and things like that. Twenty-one percent relates to animals, insects, birds and reptiles, and this has to do with bites and things like that. When you add the fires, about five percent to that, it means that 75 percent of all our illnesses are due to those causes. This really means the Forest Service accounts for about 75 percent of all the accidents and illnesses that occur in the Department of Agriculture. So we are trying to home in and work very closely with them on that."

"On the other side, on the lost time cases, accidents, we found that about 18 percent of them have to do with working surfaces, walking surfaces. It is not in the office; it is out in the field. It is handling animals and things like that. So we have had to get into those type of problems, which is very difficult because we are so dispersed and so spread out around the United States."

During 1981, 98 percent of Department facilities were inspected, 20 percent with safety and health professionals and 80 percent by collateral duty and safety committee members. In only one case was the inspection unannounced. The Department of Agriculture employs 18 full-time safety professionals at headquarters and 46 throughout the field.

"Our deficiencies, one area I believe is in the whole area of laboratories and the safeguarding of chemicals, and because, again, because we are dispersed, we don't have these huge laboratories where you can set up full-time safety experts and people to deal with these things."

"What we are doing by identifying the chemicals, a lot of times we didn't have the material safety date sheets available and didn't think the information was enough for our employees. So we have gone to the manufacturers, we have gone to the NIOSH Registry of Toxic Substances, and every other possible health information system to gather data on this chemical."

"I think labeling should be much more specific. It should provide all the information and of the chemical composition of whatever the product is. It ought to identify any information that is available that would indicate an adverse effect on human health. I think it ought to have information regarding the kinds of treatment that would be necessary in case acute or chronic symptoms occur, and I think . . . there ought to be a massive effort to make this more uniform as it deals with the Department of Transportation labeling of materials, so that it is not so difficult to conduct training, transportation of materials or in the workplace, or even in the home. I think that is where it should be, some better way of gathering data so we can educate the public as well as the workers, because that reinforcement would be on both sides."

Currently the Department is not in full compliance with OSHA standards.

"Another area where we continue to have many, many problems is in the whole area of motor vehicles. This Department travels—a lot of its agencies' functions, their offices are almost in their cars. When we talk about motor vehicles, we are not only talking about highway type traffic; we are talking about the back woods and the forests, on the ranches and so on. A lot of our accidents occur there."

"I think we can do a lot better job in terms of defensive driving, in terms of improving driving skills, maintenance and so on. We are considering working with the National Highway Transportation Association to set up some kind of joint program in order to deal with this."

DEPARTMENT OF THE TREASURY

It employs 120,000 employees in 12 bureaus located in 2,300 office buildings in 1,300 cities around the world.

These employees face serious risks when enforcing federal laws, controlling illicit traffic in alcohol, drugs and firearms, protecting the lives of the President and Diplomatic Corps, inspecting cargo and vessels in harbors and inland waterways, and manufacturing the government's paper and metal currency.

"Because of the diversity of our operations, we use a variety of methods to maintain a safe environment, and to alert employees to potential dangers inherent in many of their jobs. We continually promote safety, and publicize the need to be alert to hazards. We require that inspections be made of all workplaces for potential hazards at least once a year, and inspect the more hazardous facilities—such as those of the Mint and the Bureau of Engraving and Printing—more often. We provide specialized safety training in our law enforcement operations, which are so dangerous and stressful that retirement is permitted after 20 years of service. For example, during fiscal year 1981, the Secret Service conducted 89 courses, for about 1,600 employees, where safety was a major consideration. We offer training programs throughout the year in defensive driving and law enforcement vehicle handling."

"The result of the Treasury's attention to safety is that, over the past decade, we have maintained a Departmental injury rate appreciably lower than the all-federal rate published by OSHA. Our motor vehicle accident rate has declined by 35 percent since 1977, from 7.9 accidents per million miles in 1977 to 5.1 in 1981. We have been able to cut significantly the disabling injury frequency rate in our hazardous industrial operations; from 1977 to 1981 the Mint reduced its injury rate by 38 percent, and during the same period the Bureau of Engraving and Printing cut its rate by 36 percent."

"It is interesting to note that we have found that the most potentially hazardous operations are sometimes the safest, because of intense employee awareness of inherent dangers and strict adherence to operating procedures. Indeed, the major cause of injuries in the Department is slips, trips, and falls. Although our inspectors identify tripping hazards and we conduct promotional campaigns on the subject, our disabling injuries continue to result from falls."

"Members of Bureau safety committees are invited to accompany the inspectors during their rounds. The committees are composed of representatives of both labor and management. Where there are no unions, the Bureaus are directed by the Department to assure employee participation."

". . . there is extensive union participation in the safety program of the Department since 82 percent of the employees at Treasury belong to unions. At the Departmental level, the National Treasury Employees' Union has the right to consult on safety issues. In addition, all Treasury safety directives are provided to the NTEU for comment prior to publication. At the Bureau level, there are a number of unions which monitor safety programs, and safety clauses are included in Bureau collective bargaining agreements. The Department Labor Relations Officer serves as a member of the Treasury Occupational Safety and Health Council as a coordinator for union activities."

"Taking into account the wide variety of potentially hazardous operations at Treasury, the Department's incidence rate is low. In 1980, our incidence was 1.3 incidents per 200,000 hours worked. This compares favorably with the all-federal rate of 3.2 incidents. During calendar year 1981, we reduced our incidence rate to 1.2, and eight of our twelve Bureaus reported a decrease in the injury rate over the previous year."

"Decreasing the number of accidents and injuries is important for the well-being of employees. It is also important in view of the high cost of accidents to the agency. In fiscal year 1981, the 45-day Continuation of Pay provision of the 1974 Amendments to the Federal Employees Compensation Act cost Treasury $1,501,000. This, added to the Office of Workers' Compensation chargeback of $18,547,392 for fiscal year 1981, has resulted in a total expense of $20,048,392."

The Liberty Loan Building, which is under the jurisdiction of the General Services Administration, is in a very dilapidated condition. Many of the windows have fallen out, so much so that it has been necessary to erect a cover over the walkways around the building to protect Treasury employees from falling glass.

Additionally, the elevators are chronically unworkable, which poses a threat to the safety of employees.

The electric wiring is very old and poses a safety threat along with open fuse boxes and switchboards.

Department of Defense

Following the issuance of Executive Order 12196 and the implementing regulations issued by OSHA, the D.O.D. has issued detailed guidance to implement the Executive Order 12196 and the OSHA regulations.

D.O.D. did not elect to establish labor-management occupational safety and health committees, but rather chose to continue the existing occupational safety and health councils which are mandatory at each D.O.D. installation. Accordingly, OSHA does make inspections at D.O.D. installations and to date over 55 OSHA inspections have taken place, about ½ in response to employee complaints. Several violations were noted which are being resolved at the local level.

"Data for 1981 shows decreased rates for lost workday cases, lost workday cases involving days away from work, and a substantial reduction in lost workdays, after 6 years of adverse trends following the 1974 amendments to F.E.C.A."

"Despite stringent personnel ceilings, the services have increased overall safety and occupational health staffing by 400 spaces. Additional assistance has been made available by contracting for certain services with private sector firms."

"All three services have underway programs to provide automated, centrally managed occupational health surveillance systems, which will document and keep updated an inventory of health hazards in all workplaces, personnel physical examination requirements for potential exposures, and documentation of such potential exposures for future reference. In addition, our computerized central data file of information from material safety data sheets (MSDS), acquird on our initiative from D.O.D. suppliers, now contains data on over 30,000 items. It will be expanded to nearly double the size in the near future by the incorporation of data acquired through exchange agreements with members of the aerospace industries association. These MSDS data are distributed semi-annually on microfiche to all principal D.O.D. installations and are available to other federal agencies, as prescribed in 29 CFR 1960. A new format and users' manual are under development to facilitate user access. Finally, we have developed a new D.O.D. manual that spells out physical examination requirements for workers exposed to specific chemical, physical, and biological health hazards in the workplace."

"Training and career development programs for professional safety and health personnel have been strengthened, using in-house resources, the OSHA Training Institute, National Safety Council courses, and instruction at private institutions. In addition, all services have underway various efforts to improve employee on-the-job hazard awareness and familiarity with their rights and obligations under E.O. 12196."

"D.O.D. components are continuing their programs to prioritize and abate serious occupational safety and health hazards by incorporation of engineering controls. Funding for these projects was as follows, exclusive of fire protection projects, in the fiscal years indicated."

"1980—$125.8M; 1981—$155.1M; 1982—$153.3M."

"As far as the application of occupational health standards to the military, the D.O.D. policy is that they will be treated the same as the civilians are."

The D.O.D. has instituted an automated program called HEAR, where audiograms are taken of all military civilian personnel who work in an industrial or military environment where there is a noise exposure. This will be monitored on a regular basis.

"As far as the material data sheets go, we believe that the information which is on them is useful. We have overcome the prior difficulties we had in getting them."

"However, there are big holes in the program. One of them is labeling. We have held off establishing a special D.O.D. labeling standard in anticipation of the enactment of the Federal standards. We have very strongly supported the issuance of a proposed standard on hazards communication in the workplace. We do not think that the current standard, which is undergoing hearings right now, is strong enough."

"They limited the application of the standard so that only the chemical manufacturing industry primarily and certain SIC codes were involved. We would not have been affected at all or we would not have come under it, that is the government would not, nor would many other manufacturing or industrial activities."

"We recommend that it be expanded to all users of the chemicals. We also criticized the standards for the fact that intermediate jobbers such as repackagers or reformulaters were excluded from having to provide material safety data sheets."

"We also believe that the labeling should be affixed by the manufacturer and should be a standard national label rather than us having to go around—that is, the employer—and paste labels on every single container which we receive after we break open shipments. We thought that the whole scope of the standard was far and away too narrow."

General Services Administration

"The Liberty Loan Building is a six-story structure on 14th Street overlooking the Tidal Basin. It houses approximately 560 employees of the Department of the Treasury in 98,800 square feet of space."

"In 1972 the National Capital Planning Commission endorsed demolition of the building for additional open space. Due to the continued need for office space the General Services Administration proposed retention and upgrading of the building."

"A prospectus in the amount of $3,520,000 was submitted to the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation on February 7, 1978. The prospectus was approved by the House Committee on July 26, 1979, however, the Senate Committee had imposd a moratorium on all prospectus hearings on September 8, 1978."

"The project had been planned for the fiscal year 1979 program but the lack of authorization and subsequent appropriations has delayed action to upgrade the building."

"A prospectus in the amount of $7,217,000 was submitted to the Public Works Committees on February 2, 1982, in support of our fiscal year 1983 appropriation request which is currently pending action. This project includes repairing the exterior walls, replacing windows, upgrading space and replacing, upgrading, and installing building systems."

"Since we do not have the authority to expend in excess of $500,000 in any government-owned building without an appropriation, minimal repairs have been accomplished. Corrective measures have been taken to keep the building functioning, however, the major items of concern require the approval of the project and funding."

"The windows and exterior walls are the most critical repair items necessary to protect the occupants, the public and the building itself. The building, its systems and equipment have deteriorated and require major repairs and replacements to provide the occupants with a safe and suitable working environment."

"To upgrade the building, the leaking radiators and window air conditioning units will be replaced with an energy efficient, central heating, ventilating and air conditioning system; the rusting and clogged domestic water piping will be replaced; the manually operated elevators will be replaced with new cabs and equipment; new suspended acoustic ceilings, fluorescent lighting, partitions and floor finishes will be installed; the rest-rooms will have new fixtures and finishes provided; the electrical wiring, outlets, and switches will be replaced; the rotted wood windows will be replaced with new maintenance-free ones; and the spalled and cracked concrete exterior walls will be repaired and a new exterior surface will be installed."

"The project is planned as a two-phase renovation. The exterior wall and window work and one wing of the space and system upgrading project is planned for fiscal year 1973. Our request is for $4,460,000 for fiscal year 1983 and $2,757,000 for fiscal year 1984."

Department of Labor

"The D.O.L. has 23 safety and health specialists, safety and health managers, engineers, and medical professionals within the Office of Safety and Health located in the Office of the Assistant Secretary for Administration and Management. This staff is responsible for providing leadership and direction to Departmental agencies and for developing policies, plans, and procedures encompassing all phases of safety, health and engineering. In addition to providing safety and health coverage for Department of Labor employees, the Department is also responsible for providing for the safety and health of Job Corps enrollees located in Job Corps Centers."

"This program presents a number of difficult problems because of the size and nature of the program. At present, there are 112 active Job Corps Centers with an enrollment of approximately 40,000 students in Centers operated by private contractors and the Departments of Agriculture and the Interior."

"The skills taught, the youthful age of the enrollees and the fact that the enrollees are in residential facilities 24 hours a day, has made this program one of particular concern from a safety and health standpoint. In calendar year 1981, out of 3,363 injury cases reported for the Department of Labor, 2,532 or 75 percent were in the Job Corps. Similarly of 24 fatalities, 23 or 96 percent were in the Job Corps."

"We've been averaging four murders a year in the Job Corps. We have had some drownings. There have been suicides."

"The Department of Labor feels that cooperative labor/management safety and health committees can be of benefit in improving protection for its employees and therefore has elected to establish these committees."

"There are two levels of committees within D.O.L. At the first level, we have a departmental committee which deals with departmentwide policy issues. At the second level, we have 10 regional safety and health committees representing D.O.L. Agencies in each region and a national office committee which represents the national office units of all D.O.L. Agencies. All committees have equal representation of both management and non-management employees."

"Voluntary employee health maintenance examinations are available to all full-time and part-time permanent employees age 40 and over, within budgetary limitations and operational constraints. Occupational safety and health administration compliance officers and industrial hygienists, who are regularly exposed to working conditions deemed hazardous to good health, are also eligible for voluntary special physical examinations."

Occupational Safety and Health Administration

"Evidence of OSHA's previous ineffectiveness in the Federal sector can be seen in the costs of the Federal Employees' Compensation Act (FECA), the workers' compensation program for Federal employees, which have skyrocketed in the past eight years. These costs, which are charged back to the individual agencies, have risen from $168.9 million in fiscal year 1973 to nearly one billion dollars in fiscal year 1981."

"The first step being taken to improve the Federal agency effort is to demonstrate that this Administration has a strong commitment to a safe and healthful Federal work environment. Management commitment at the highest level is critical for effective workplace protection, and the Secretary of Labor and I intend to make clear that we are very serious about our commitment to this effort."

"OSHA's new policies for Federal agencies embody the underlying philosophy of the agency's present efforts in the private sector—a balanced program with attention to enforcement, training, education, consultation, voluntary cooperation, and standards-setting. We are receiving requests for assistance from various agencies, and we believe OSHA's evaluations are viewed by Federal managers as a useful source of assistance and information."

"Our new Federal agency initiatives may be summarized under four broad categories: (1) Federal Government Interaction; (2) Enforcement; (3) Consultation and Training; and (4) Evaluation."

"Last March, pursuant to and consistent with E.O. 12196, we concluded an agreement with the General Services Administration to ensure that OSHA standards or their equivalent are followed in all buildings owned or leased by GSA. In its role as chief provider of space owned or leased by the Government, GSA is obligated to provide such space free of serious hazards. OSHA has agreed to provide advice and technical assistance to GSA."

"Executive Order 12196, of February 26, 1980, provides OSHA explicit authority to make unannounced inspections in the Federal sector under certain conditions. Since the Order became effective, OSHA has made about 200 inspections in other Federal agencies. Those agencies receive no citations or monetary penalties as do private sector employers, but OSHA inspections serve as a motivating factor for Federal managers to achieve safety and health improvements."

"We are currently developing a data system using the reports required under the Federal Employees' Compensation Act (FECA), which provide uniform, more reliable injury statistics than are currently available to OSHA. This will allow us to pinpoint not only the most hazardous agencies but also the most hazardous worksites in those agencies."

"Since inspections are only one part of OSHA's total program mix, and since their deterrent effect is necessarily less in the Federal sector than in the private, we are planning to initiate for problem Federal worksites a new concept in which OSHA safety and health professionals are assigned responsibility for support of, and cooperation with, specific agencies. In this effort, all the varied elements of the OSHA program, not just enforcement, will be employed to improve workplace conditions."

"There are several other initiatives underway to ensure that OSHA's enforcement efforts in the Federal sector are as effective as those in the private sector. For instance, OSHA is developing new instructions for investigating catastrophes and fatalities in Federal workplaces. Also we are working on improved procedures for responding to Federal employee safety and health complaints. In order to ensure that Federal employees use the protections embodied in the Executive Order, OSHA has asked each agency to submit in writing a description of its system for handling complaints of reprisal or discrimination against employees who exercise their safety and health rights. Based upon the information received from the various agencies, the Department will soon be reporting to the President our findings and recommendations for improvements in the reprisal procedures of other agencies."

"At present, almost half of the students instructed at OSHA's Training Institute in Des Plaines, Illinois, come from other Federal agencies. Since we expect the high level of demand for training to continue, OSHA is analyzing FECA data to determine which agencies have the highest injury rates. This information will be used to establish priorities for receiving OSHA training."

"An important part of OSHA's oversight of other agencies' occupational safety and health programs is its formal evaluations of those programs. In conformity with OSHA's overall policy, the agency is allocating its limited resources—in this instance, evaluation resources—to the largest establishments with the most hazardous worksites. In the future, using data from FECA, our own data on employee complaints, and results of agency self-evaluations, OSHA will be better able to determine where its evaluations should be concentrated."

"Our latest evaluation of the Navy Department shows a significant improvement in that agency's occupational safety and health program since January 19, 1981, when an overall evaluation of the Department of Defense program was completed. The most notable improvements in the Navy program have been an increase in top management support as shown in the Secretary of the Navy's personal commitment to the program, the assignment of additional safety and health staff at headquarters level, the improved coordination of the safety and health staffs at all organizational levels, and the greater frequency of workplace inspections, which are also being conducted by better qualified personnel."

"OSHA evaluators found several areas where further improvements could be made. For example, the Navy's policy on personal protective equipment was not being implemented uniformly at the workplace level. OSHA has made specific recommendations to the Navy concerning those deficiencies and the Navy is taking steps to alleviate the problems."

"OSHA's recently completed evaluation of the occupational safety and health program of the United States Postal Service (USPS) was the first agency evaluation conducted under Executive Order 12196. The results of this evaluation, sent to the Postmaster in April 1982, indicate that while some deficiencies remain, particularly in the health area, the Postal Service safety and health program has improved significantly since the 1979 OSHA review. The USPS program now has the full commitment and support of Postmaster General William Bolger. Injury-illness rates are declining, and the percent of increase in workers' compensation has significantly lessened."

"Our intent in the Federal sector is to establish a model safety and health program which can be used not only in the Federal sector but in all workplaces. With OSHA's assistance, top Federal managers, supervisors and employees will be working together in the coming months to reduce workplace illnesses and injuries for the Nation's 2.8 million Federal employees."

V.

The Proposed Transfer of the Rockville, Maryland Operations of the National Institute for Occupational Safety and Health (NIOSH) was created by section 22 of the Occupational Safety and Health Act of 1970. It was established in the Department of Health, Education, and Welfare (HEW) and its main administrative operations were housed at Rockville, Md. Subsequently, it was located within the table of organization at HEW so that it reported to the Center for Disease Control (CDC) whose administration is located at Atlanta, Ga.

In June 1981, the Department of Health and Human Services (HHS) announced that it proposed to close out the NIOSH facilities at Rockville, Md., and transfer those operations to Atlanta, Ga., and Cincinnati, Ohio.

This proposed move caused serious concern on the part of many supporters of an effective NIOSH, in that it could result in NIOSH's interests and objectives being submerged in CDC, whose basic philosophy and goals were not necessarily the same as those of NIOSH.

Accordingly, the Subcommittee held 2 days of oversight hearings, at which the following individuals testified:

Hon. Paul S. Sarbanes, U.S. Senator, Maryland; Hon. Charles McC Mathias, Jr., U.S. Senator, Maryland; Hon. Sam Nunn, U.S. Senator, Georgia; Hon. Michael D. Barnes, U.S. Representative, Eighth Congressional District, Maryland; Hon. Steny Hoyer, U.S. Representative, Fifth Congressional District, Maryland; Hon. Elliott H. Levitas, U.S. Representative, Fourth Congressional District, Georgia; Dr. Edward N. Brandt, Jr., Assistant Secretary for Health, Department of Health and Human Services; Dr. William Foege, Director, Center for Disease Control; Mr. William Watson, Deputy Director, Center for Disease Control; Mr. Kenneth T. Blaylock, national president, AFGE; Mr. Joseph E. Cook, Jr., president, Local 41, AFGE; Ms. Darlene Christian, vice president, Local 41, AFGE; Mr. George Taylor, director, of occupational safety and health, AFL–CIO; Mr. Jack Sheehan, director, legislative department, United Steelworkers of America, AFL–CIO.

Dr. Lorin Kerr, occupational health department, International Union of Mine Workers of America; Dr. John Finklea, former Director, NIOSH; Dr. Marcus M. Key, former Director, NIOSH; Dr. Anthony Robbins, former Director, NIOSH; Dr. Morton Corn, former Assistant Secretary of Labor for Occupational Safety and Health; Dr. William N. Rom, Rocky Mountain Center for Occupational and Environmental Health, University of Utah Medical Center; Dr. Raymond R. Suskind, department of environmental health, University of Cincinnati; Dr. Gareth M. Green, School of Hygiene and Public Health, Johns Hopkins University; Dr. Merle Bundy, director of industrial medicine, United States Steel Corp.; Dr. Lloyd B. Tepper, corporate medical director, Air Products & Chemicals, Inc.; Dr. H. Dean Belk, corporate medical director, Aluminum Co. of America.

Opponents of the proposed transfer contended, inter alia:

"The proposed move was 'precipitous'", a move "based on philosophical changes in fundamental health and safety policy, and a move designed for ease of management."

There is no evidence of any detailed study of the move by HHS.

"The CDC ignored long-established standards and criteria in formulating its decentralization decision."

The change in bringing NIOSH "into the mainstream of preventive medicine really amounts to a dramatic modification of NIOSH's legislative mandate."

NIOSH cost figures are incomplete. The move would cause the loss of many capable and dedicated professionals in NIOSH who have stated they will not move. The move will disrupt the daily contacts with EPA, OSHA, MSHA, CPSC, and HIH.

The proposal was developed in a shroud of secrecy with only a few people involved and most of the rationale developed since the decisions have been made.

According to law, the Executive Branch should have submitted a reorganization plan to the Congress.

"It should be pointed out that CDC as an agency chiefly relates to state and local public health agencies, to a small extent with international government health entities, and that its relationship with academic institutions and independent research organizations is relatively inconsequential."

"In contrast, NIOSH contacts with the scientific community are broad. Its system of peer review of research projects and ongoing criteria documents on toxic materials was developed with little assistance from CDC, which offers nothing equivalent in that area, simply because it lacks the scientific expertise and the working relationships to make a peer review system."

"Through the years organized labor has had the opportunity to observe CDC and the manner in which it deals with NIOSH. To begin with, it is our opinion that CDC does not have the scientific credibility and reputation to provide first-rate professional direction of NIOSH, nor to give it proper policy guidance and strong support."

All three former NIOSH Directors, Drs. Key, Finklea, and Robbins, stated they did not support the proposed move.

The administration witnesses stated:

The proposed transfer "was made solely on programmatic grounds." These are "(1) strengthening the scientific/technical base of the Institute and; (2) strengthening its administrative and program management functions."

"The principal management staff of NIOSH, with responsibility for research targeted at defining occupational safety and health problems and developing solutions to prevent or control these problems, has been isolated physically from the epidemiologic and technical leadership of the Center for Disease Control."

"We are convinced that the scientific and technical base of NIOSH will be strengthened by locating the headquarters where there can be greater policy coordination between the leadership and programs of CDC and NIOSH."

"CDC is the nation's principal repository for disease surveillance systems. NIOSH headquarters in Rockville, which manages nationwide surveillance activities, is separated now from that expertise. This transfer will correct that problem and enhance NIOSH and CDC surveillance activities."

"By locating the NIOSH headquarters in Atlanta we will be able to consolidate certain administrative activities with the rest of CDC. It will strengthen the Institute's administrative management by integration with the strong administrative services which have characterized CDC over the years."

"By placing NIOSH headquarters with its parent agency's headquarters we expect even greater support for NIOSH programming, resulting from the direct, day-to-day interaction with CDC leadership."

"Through the elimination of duplicative functions now performed separately by management, administrative, and technical staff in Atlanta and Rockville, by consolidating the staff of the Division of Criteria Documentation and Standards Development, and by streamlining the conduct of administrative functions, we estimate that we will be able to save upwards of $1.5 million annually in the performance of these headquarters functions."

During the second day of hearings several occupational physicians provided a critical analysis of the accomplishments of NIOSH to date.

They stated, inter alia:

"NIOSH has performed very little research that is innovative and it has sponsored little in the way of demonstration projects that would prove the feasibility of research findings . . . NIOSH has tended to focus on bits and pieces of research which will facilitate implementation of current, recognized problems in the field. There has been no long view in the program of NIOSH research, presumably stemming from both NIOSH and CDC management of the agency research program."

"NIOSH has put an inordinate amount of money into criteria-documents development, supposedly to support OSHA standards-setting. (These documents) are citational reviews; that is, reviews of who did what and when, but they are not critical reviews."

"I have been critical of the research activities of the agency; however, one must not forget that the funds allocated to carry out these functions have been small when viewed against the magnitude of the problems. One should certainly be compelled to use what is available in the most efficient manner; but even if that had been done, the research problems in occupational safety and health in this country would not have been dented by the funds allocated for NIOSH research to date."

". . . NIOSH has supported training programs in four key professional areas related to occupational safety and health, namely, occupational medicine, industrial hygiene, safety sciences and nursing. It has also sponsored some training support for allied disciplines such as toxicology, epidemiology and biostatistics. In 1977, NIOSH initiated 12 Educational Resource Centers (ERC's) which were awarded to universities for training in the four core areas cited above. . . . The ERC's are without question the most innovative and major contribution made by NIOSH since its inception."

"The current Administration is opposed to educational training grants. In the field of occupational safety and health, it should be recognized that without assistance to the universities—and roughly two-thirds of the current NIOSH assistance is for student support—we will simply not have the educated and training professionals needed to move this field forward."

"I believe that NIOSH's missions, functions and scope of activity are clearly stated in the Occupational Safety and Health Act of 1970. . . . Unfortunately, since its inception, its leadership and policy direction have been subject to change with shifts in political administration. Its administrative and scientific independence have been limited. I would strongly recommend this very important scientific agency be allowed to assume its proper role as a national center for basic and clinical research in occupational health problems, that it be allowed to fully assume its responsibility for fostering and supporting the education and training of scientists and professionals for investigation and service to the national community."

"Level of productivity is intimately related and indeed dependent upon the effectiveness and efficiency of the American workforce. Work hazards result in illness and injury, leading to disability and in many instances demoralization and damaged relations between affected employees and the employer. The training programs supported by NIOSH, especially those in the Educational Resource Centers, are producing large numbers of highly qualified, specially trained professional and scientific personnel who can help reduce and eliminate hazards, educate the workforce to recognize their responsibility for utilizing corrective measures, monitor the environment and the employees at risk, so that safe levels of exposure can be maintained."

"NIOSH has, I believe, very sincerely attempted to fulfill the mandate which it has under the Act. I think because of other factors—factors of stability, factors of jobs, factors of resources, factors of being able to determine themselves what they should be doing on a long-term basis—NIOSH has not been able to maintain the scientific and professional leadership or recruit the necessary scientific personnel to carry out the research programs, including its own internal research efforts effectively."

"One of the most important steps—and it was a real breakthrough—occurred in 1977 when the Educational Resource Centers were created. This had an enormous impact on the manpower problem, which is not new. As long as I have been in the field, there has been a shortage of occupational health physicians, nurses, hygienists, toxicologists; but in 1977, with the help of the Act, NIOSH was able to do something about it effectively, and it has."

"The crises in the American workplace which led to an excessive burden of disease, injury and decreased productivity are highlighted by two major deficiencies—lack of knowledge on the health effects of many substances and the processes being developed in industry, and a shortage of professional manpower to address these questions. These two issues are intertwined. The mission of NIOSH is to produce and disseminate this information and to train professions to carry it out. The reason that research has not been of the utmost quality in occupational health is that we have not had the trained professionals within NIOSH and the academic community to do this type of work."

"NIOSH needs to continue the ERC's as their prime solution toward the manpower shortage, to increase occupational health's presence in the academic community by supporting teaching faculty and faculty academic awards, and to expand the ERC role to reach medical students and primary-care residents."

". . . NIOSH is clearly not as strong and effective as it once was, or as it could be, or should be. We can conclude only that someone's stewardship left much to be desired."

"The Subcommittee should be aware of the vast reservoir of goodwill toward NIOSH that exists among persons now in various phases of occupational health practice. Many of us . . . would be eager to respond to calls for assistance or collaboration."

"They need an adequate budget and they have not had it. They have not had an adequate research budget. They have not had an adequate budget for the full Institute as well; never have."

"I am concerned about where NIOSH is located in the CDC hierarchy. I think if this move should occur, if it is to be successful in Atlanta, there should be reorganization of NIOSH within CDC. I do think if it continues at the same level in Atlanta outside the arena of public scrutiny, its needs could be shortchanged if it is not reorganized within CDC in the Atlanta move."

OTHER SUBCOMMITTEE ACTIVITIES WITH RESPECT TO MINE SAFETY AND HEALTH AND OCCUPATIONAL SAFETY AND HEALTH

The Subcommittee has been involved with various other matters requiring a continuing involvement in conferences and discussions with MSHA, OSHA, industry representatives, state officials, labor organizations, and individuals. These matters involved, among others:

1. The annual Labor, Health and Human Services and Related Agencies Appropriations Bills, where amendments were offered for 1981 and 1982, to place certain limits on the activities of MSHA and OSHA.

For 1982, an amendment was adopted which prohibited the Mine Safety and Health Administration from expending any funds with respect to:

a. surface stone, sand and gravel, clay and colloidal phosphate mines
b. surface construction activities at mines
c. mines of state or political subdivisions
d. classifying potash mines as gassy.

PROJECTED ACTIVITIES

OSHA

The Occupational Safety and Health Administration has undertaken many changes within the agency which, in the opinion of many interested parties, has seriously weakened the protection afforded workers. For example, OSHA:

1. Has instituted a new inspection program which many observers contend substantially weakens the deterrent effect of workplace inspections.
2. Has instituted a review of existing health standards and stayed the issuance of new standards which, it is contended, jeopardizes the health of many workers.
3. Has removed OSHA monitors from state OSHA programs which, it is contended, weakens OSHA's ability to properly monitor state programs.

Accordingly, the Subcommittee plans to conduct in the 98th Congress comprehensive oversight hearings into the administration of the Occupational Safety and Health Act to examine in depth these matters and others brought to the attention of the Subcommittee.

MSHA

The Mine Safety and Health Administration is in the process of reviewing certain of existing MSHA standards. The effect of this review is currently unknown, accordingly, future Subcommittee activities with respect to MSHA are not predictable.

REPORT OF THE ACTIVITIES OF THE SUBCOMMITTEE ON HUMAN RESOURCES DURING THE 97TH CONGRESS

IKE ANDREWS, *Chairman*

BALTASAR CORRADA
PAT WILLIAMS
CARL D. PERKINS, Ex Officio
THOMAS E. PETRI
E. THOMAS COLEMAN, Ex Officio

GORDON A. RALEY, *Staff Director*

I. JURISDICTION

Pursuant to Rule 4 of the Rules of the Committee on Education and Labor (February 24, 1981), the jurisdiction of the Subcommittee on Human Resources extends to "all matters dealing with programs and services for the elderly, for the elimination of poverty and for the care and treatment of children, exclusive of education programs including, but not limited to Economic Opportunity and Community Services Acts (Head Start, Community Services, etc.), Juvenile Justice and Delinquency Prevention, Runaway Youth Act, early childhood services, nutrition programs for the elderly, and older Americans." The Subcommittee's responsibility as it pertains to older persons extends to the Older American Volunteer Programs administered by the ACTION Agency.

II. ECONOMIC OPPORTUNITY ACT OF 1964

On April 7, 1981, Chairman Andrews introduced H.R. 3045, to amend the Economic Opportunty Act of 1964; to extend the authorization of appropriations contained in such Act, and for other purposes. The bill was referred exclusively to the Committee on Education and Labor. Hearings on the Economic Opportunity Amendments of 1981 were held on April 28, 1981, in Washington, D.C. The Subcommittee mark-up was held April 30, 1981, and the bill as amended was reported to the full Committee by unanimous voice vote. The full Committee on Education and Labor reported the bill by voice vote on May 5, 1981 (H. Rept. 97-69).

H.R. 3045 was placed in the Democratic version of the 1981 Reconciliation Act. This act was defeated and the Republican version of the Omnibus Reconciliation Act of 1981 (P.L. 97-35) prevailed. This resulted in the abolishment of the Community Services Administration (CSA) and in its place the Community Services Block Grant was created. The Head Start program, previously Title V of the Economic Opportunity Act, was abolished by the Reconciliation Act of 1981 and subsequently reestablished as a freestanding Act by the Senate-House Conference Committee. The Follow Through program, previously Title V(B) of the Economic Opportunity Act was placed by the Reconciliation Act into the Education Block Grant. The Administration on Native Americans (Title VIII of the Economic Opportunity Act) was not abolished by the Reconciliation Act and remains part of the Economic Opportunity Act.

Oversight hearings on matters relating to the Act were conducted during the 97th Congress. On February 25, 1981, a hearing was held on the Head Start transportation policy where problems relating to difficulties transporting Head Start children and the vehicle conditions were reviewed. On April 28, 1981, an oversight hearing was held on the Economic Opportunity Act Amendments of 1981 (H.R. 3045) on which matters relating to the reauthorization of the Act were discussed. On September 30, 1981, on the final day of the existence of the Community Services Administration, the Subcommittee held an oversight hearing on the termination of the Community Services Administration focusing on the future of the anti-poverty program in this country. On February 23, 1982, in reaction to a policy position paper on Head Start issued by the Administration for Children, Youth, and Families (ACYF), the Subcommittee held an oversight hearing on "Head Start: Directions for the Next Three Years." Several specific issues and policy changes which had been proposed in the position paper were reviewed by the Subcommittee members. On September 1 and 2, 1982, joint hearings by the Subcommittee on Human Resources, the Subcommittee on Elementary, Secondary, and Vocation Education, and the Subcommittee on Postsecondary Education were held in which the effectiveness of education and human service programs at the State and local level were focused on. Areas reviewed were programs for the elderly, Head Start, Follow Through, juvenile justice and runaway youth. The hearings were held in Raleigh and Chapel Hill, North Carolina.

III. JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

The Juvenile Justice Amendments of 1980 extended the Juvenile Justice and Delinquency Prevention Act of 1974 for four years. Oversight hearings on matters relating to the Act were conducted during the 97th Congress. On March 3, 1981, an oversight hearing was held in Washington, D.C., at which the Subcommittee reviewed the progress made by a number of restitution projects funded in 1979 by the Office of Juvenile Justice and Delinquency Prevention. The Subcommittee on March 31, 1982, held an oversight hearing in Washington, D.C., on the Office of Juvenile Justice and Delinquency Prevention. This hearing was convened to review the progress of the Office of Juvenile Justice and Delinquency Prevention, to make sure its administrative and legislative mandates were being properly carried out. Pursuant to its oversight responsibilities for the Runaway and Homeless Youth Act (Title III of the Juvenile Justice and Delinquency Prevention Act), the Subcommittee on May 5, 1982, held a hearing in Washington, D.C., to review the performance and Federal administration of this important program. On December 16, 1982, the Subcommittee held an oversight hearing in Washington, D.C., on the Office of Juvenile Justice and Delinquency Prevention. The purpose of this hearing was to "meet" the new Deputy Administrator and review questions pertaining to the status of the appointment of an Administrator to the Office.

IV. OLDER AMERICANS ACT OF 1965

On April 7, 1981, Chairman Andrews introduced the Older Americans Act Amendments of 1981 (H.R. 3046). This bill was cosponsored by Chairman Perkins, as well as Subcommittee members Williams and Corrada and a number of other members of the House, and was referred exclusively to the Committee on Education and Labor. Hearings on issues related to the Older Americans Act reauthorization were held on April 3, 1981, in St. Joseph, Missouri, and on April 29, 1981, in Washington, D.C. Subcommittee mark-up was held April 30, 1981, and the bill, as amended, was reported to the full Committee by unanimous voice vote. Included as an amendment was the text of H.R. 2437, amendments to the Domestic Volunteer Service Act of 1973. On May 5, 1981, the full Committee further amended the bill and reported the amended bill to the House.

The bill was debated on the House floor on November 20, 1981, and passed the House by a vote of 379–4, Roll No. 329. The House then agreed to take the Senate bill, S. 1086, which had passed the Senate on November 2, 1981 (S. Rept. 97–159), strike all after the enacting clause, insert the House language of H.R. 3046, and insisted upon a conference. On December 4 the Senate disagreed to House amendments, and agreed to a conference. The Conference Report, H. Rept. 97–386, was filed December 10, 1981, and agreed to in the Senate on December 11, and in the House on December 16 (voice vote). This became P.L. 97–115, signed December 29, 1981.

The Older Americans Act Amendments of 1981 extends the Older Americans Act programs for three additional years, with authorization levels that comply with the Omnibus Reconciliation Act of 1981, P.L. 97–35. The conference agreement dropped reference to the Older Americans Volunteer Programs, since these were reauthorized for two years in P.L. 97–35.

On March 11, 1981, Chairman Andrews introduced H.R. 2437, to extend the authorization of appropriations for the national older Americans volunteer programs for three years and the bill was referred exclusively to the Committee on Education and Labor. Hearings were held in Washington, D.C. on March 19, 1981, on issues related to the reauthorization. On April 30, 1981, during the Subcommittee markup, H.R. 2437 was included as an amendment to H.R. 3046 (see above). The House-Senate conferees on S. 1086 agreed to drop from that bill provisions reauthorizing the older Americans volunteer programs because of earlier action within the Omnibus Reconciliation Act, which provided for a simple two-year reauthorization of the Older Americans Volunteer Program, making further action unnecessary.

Oversight hearings on the Administration-proposed elimination of employment programs authorized under Title V of the Older Americans Act were held in Washington, D.C., March 24, 1982. Testimony was heard from a number of program participants, as well as from individuals and groups concerned with the effectiveness of the program.

On March 2, 1982, Congressman Panetta introduced H. Con. Res. 278, expressing the sense of Congress that funding for community service employment for senior citizens under Title V of the Older Americans Act should be provided at sufficient levels to maintain or increase the current number of positions. The legislation was referred exclusively to the Committee on Education and Labor, and was reported to the House on July 20, 1982, by unanimous voice vote. The bill was considered by the House on July 20, 1982, under suspension of the rules, and was passed by a vote of 407–4, Roll No. 188.

REPORT OF THE ACTIVITIES OF THE SUBCOMMITTEE ON POSTSECONDARY EDUCATION DURING THE 97TH CONGRESS

PAUL SIMON, *Chairman*

WILLIAM D. FORD	E. THOMAS COLEMAN
PETER A. PEYSER	JOHN N. ERLENBORN, Ex Officio
JOSEPH M. GAYDOS	ARLEN ERDAHL
TED WEISS	LAWRENCE J. DeNARDIS
IKE ANDREWS	WENDELL BAILEY
DENNIS E. ECKART	
CARL D. PERKINS, Ex Officio	

WILLIAM A. BLAKEY, *Counsel*

JURISDICTION

The Subcommittee on Postsecondary Education has general jurisdiction over legislation relating to education beyond the high school level and arts and humanities and related legislation. Specifically, the jurisdiction covers the Higher Education Act, Title VI of the National Defense Education Act, the National Foundation on the Arts and the Humanities Act, the Museum Services Act, the Arts and Artifacts Indemnity Act, Library Services and Construction Act, the Harry S. Truman Memorial Scholarship Act, legislation dealing with Howard University, and (concurrently with other subcommittees) the General Education Provisions Act, Title IX of the Education Amendments of 1972, and other legislation within the jurisdiction of the Committee on Education and Labor which has implications for postsecondary education. Under the provisions of clause 2(b) and Rule X, the subcommittee has special oversight responsibility with regard to domestic educational programs and student financial assistance within the jurisdiction of other committees, including, but not limited to, the operations of various veterans' educational programs, health professions education programs and Law Enforcement Assistance Administration (LEAA) education programs.

LEGISLATIVE ACTIVITY IN THE 97TH CONGRESS

During the 97th Congress, the Subcommittee on Postsecondary Education reported two bills (one was signed into law and one was sent to the President) and held a total of 48 days of hearings.

The Student Financial Assistance Technical Amendments of 1982 (P.L. 97-301) was introduced as H.R. 7048 by Chairman Simon on August 19, 1982. It established a statutory Family Contribution Schedule for the 1983-84 academic year and provides a failsafe mechanism for the academic year 1984-85 schedule, if the Secretary of Education fails to publish a Family Contribution Schedule for that year in accordance with the provisions of the Higher Education Act, as amended.

The Tribally Controlled Community College Assistance Act Amendments of 1982 was introduced as H.R. 6485 on May 25, 1982. It reauthorizes the Tribally Controlled Community College Assistance Act of 1978 and continues basic operational support grants to eighteen tribally-controlled community colleges through FY 1987. The Act also provides two new authorizations to permit the colleges to improve their physical plants and to develop a permanent institutional endowment.

The Carl Albert Congressional Research and Studies Center bill (H.R. 3598) was introduced on May 14, 1981. The Subcommittee on Postsecondary Education held a hearing on July 9, 1981. The Subcommittee considered the bill in open legislative session on October 7, 1981 and reported the bill unanimously with amendments to the full Committee by voice vote. On October 20, 1981, the full Committee on Education and Labor met, and with a majority present, by a vote of 24-6 ordered H.R. 3598 reported to the House with an amendment in the nature of a substitute.

On November 14, 1981 under suspension of the rules, the House passed H.R. 3598 by voice vote. The bill provided a $3 million authorization over seven fiscal years. Appropriated funds would remain available until expended. The bill provided that grants to the Carl Albert Center be matched dollar for dollar by public and private contributions, made after January 1, 1981.

Although the bill did not receive favorable action in the Senate, the FY 1983 Continuing Resolution (H.J. Res. 631), contains $2 million for matching grants for the Center. The public law appropriating the funds references the provisions of H.R. 3598.

The Student Financial Assistance Technical Amendments Act of 1982

On August 5, 1982 the Committee on Education and Labor, Subcommittee on Postsecondary Education held an oversight hearing on the proposed Pell Grant Family Contribution Schedule for academic year 1983–84 which had been published in the Federal Register on August 2, 1982. At that time testimony was received from the Department of Education and from representatives of the National Association of Student Financial Aid Administrators and the American Council on Education.

Deganawidah-Quetzacoat (D–Q) University

H.R. 3144, a bill to transfer certain land to the D–Q University was introduced on April 8, 1981 and subsequently referred to the Subcommittee on Postsecondary Education. Hearings were held on May 20 and July 29, 1981 to hear the bill's sponsors, representatives of the University, and spokespersons for the Department of Education, General Services Administration, and the American Indian Higher Education Consortium. Written testimony was received from the Federal Bureau of Investigation, GAO and the Western Association of Schools and Colleges (Accrediting Commission for Community and Junior Colleges).

Prior to Subcommittee mark-up on the bill, the Chairman was advised by the Department of Education Inspector General that an investigation of the University's management of student aid funds was underway. Reports of possible wrongdoing by university officials was alleged. The mark-up was postponed pending receipt of the IG's report. In the interim, the Chairman met with representatives of the University, interested citizens and officials of the Board of Governors, California Community Colleges in San Francisco, California. At the request of the chief sponsor of H.R. 3144, Representative Vic Fazio, the bill was withdrawn from further consideration by the Subcommittee.

On May 25, 1982, the Subcommittee received the final report of the Education Inspector General. The report ". . . found a number of significant deficiencies related to D-Q's compliance with the provisions of the real property agreement and its administration of the student financial aid programs. Partly as a result of this report, the U.S. Attorney for the Eastern District of California began an action on June 28, 1982 in Federal District Court to recover the 640 acres which were the subject matter of H.R. 3144.

Student Aid Resolution

House Resolution 422, expressing the sense of the House that federal student aid should not be reduced, was introduced on March 31, 1982 with 91 co-sponsors. The resolution resulted from Subcommittee consideration on March 23, 1982 of H. Res. 373 (Hopkins), H. Res. 392 (Emery), H. Res. 375 (Moffett), and H. Res. 384 (Dunn). H. Res. 422 combined the purposes of all of the resolutions.

The Resolution emphasized that:

> Elimination of GSL eligibility will cause graduate and professional students great financial hardship and lead to possible termination of their educational careers;

The nation will suffer from the failure to provide opportunities to develop fully the mental resources and technical skills of its young men and women;

The total amount of federal resources available for student aid for academic year 1982–83 have already been substantially reduced;

The maximum Pell Grant has steadily declined over the past two years while the cost of attending college has increased substantially;

The House of Representatives and the Senate, as of December 10, 1981, have endorsed a Pell Grant need analysis for the 1982–83 academic year that preserves access to Pell Grants for an estimated 2.6 million students; and

The House of Representatives is committed to assuring needy student access to higher education.

Although the Resolution eventually attracted 180 co-sponsors, no formal action was taken on the legislation.

Pell Grant Disapproval Resolution

The Subcommittee held a hearing on March 23, 1981 on the Administration's proposed 1980–81 Family Contribution Schedule. The Department of Education published a "final" schedule on January 19, 1981, which contained a provision indexing by the Consumer Price Index (CPI) the calculation of family size offsets. This practice of indexing the family size offset was begun in 1973–74. These offsets determine how much money parents have as disposable income to pay for college costs—thereby determining the size of a student's grant.

As a result of President Reagan's suspension of all regulations on January 21, 1981, the Department stopped processing all student applications for Pell Grants and revised the final regulations which were signed by the Secretary on March 9, 1981, but not published until March 13, 1981. The revised regulation would freeze the family size offset at its 1980–81 level rather than increasing the offset by the CPI as is customarily done.

On March 26, 1981, Chairman Simon introduced H. Res. 119, a simple resolution disapproving the portions of the Administration's March 13, 1981 amendment to the final regulation establishing the Family Contribution Schedule for the Pell Grant program, under the one house veto provisions of Section 482 of the Higher Education Act. H. Con. Res. 102 would reject the entire Family Contribution Schedule under the General Education Provisions Act.

On April 1, 1981, at a mark-up scheduled on both resolutions, Chairman Simon announced a compromise worked out between the Department and the higher education community.

Based upon concerns voiced at the hearing, the Subcommittee worked with representatives of the higher education community in formulating legislation which would establish a statutory Family Contribution Schedule for 1983–84.

On August 19, 1982 H.R. 7048 was introduced by Mr. Simon, the Subcommittee Chairman, with the cosponsorship of the Ranking Minority Member and all Members of the Subcommittee. The bill was referred to the Committee on Education and Labor.

On September 16, 1982 the full Education and Labor Committee met, and with a majority present, unanimously voted to report the bill, with a Committee amendment to the House. The bill was considered under suspension of the rules and passed on September 22, 1982 by a vote of 381–19.

A companion measure, S. 2852 was introduced in the Senate by Senators Orrin Hatch, Robert Stafford, Claiborne Pell and Jennings Randolph, on August 18, 1982 and was referred to the Committee on Labor and Human Resources. The Committee reported S. 2852 on September 9, 1982, and S. 2852 passed the Senate on a voice vote on September 16, 1982.

The Conference Committee report on S. 2852 was filed on September 28, 1982 with the following major provisions:

> The bill establishes two statutory family contribution schedules for the 1983–84 school year—one for the Pell Grant program and another for the Guaranteed Student Loan (GSL) program—which will ensure that applications are completed, processed, and awards to students are made in a timely fashion;
>
> The bill also assures that should the Secretary fail to submit a Pell Grant family contribution schedule for 1984–85 in accordance with the law, the Pell Grant process will not be disrupted;
>
> The bill also restores eligibility for Vietnam-era veterans for Pell Grants for the current school year, thereby assuring that needy veterans will receive additional assistance in order that they can complete their education. The eligibility will be continued for 1983–84 and 1984–85;
>
> The bill also provides for a two-year extension of the priority of indebtedness provision for the Student Loan Marketing Association (Sallie Mae). Under this provision, the federal government has equal claim with creditors in the event of an involuntary Sallie Mae liquidation or bankruptcy.
>
> The bill incorporates certain truth-in-lending provisions in the Higher Education Act in order to assure that students will be given critical information about their student loans.

Finally, the bill contains a provision terminating on August 1, 1983 the loan consolidation authority given Sallie Mae in the Education Amendments of 1980. This provision commits the Congress to a review of the current loan consolidation experience and to enactment of new provisions, if appropriate, granting loan consolidation authority to Sallie Mae and to state guarantee agencies.

The Senate adopted the Conference Report on September 27 and the House followed on September 29, 1982.

The Tribally Controlled Community College Assistance Act Amendments

The Tribally Controlled Community College Assistance Act of 1978 provides basic operational support to 18 tribally-controlled colleges under a full-time equivalent Indian student formula.

On July 23, 1981, the Committee on Education and Labor, Subcommittee on Postsecondary Education held an oversight hearing on the administration of the Tribally Controlled Community College Assistance Act of 1978 (Public Law 95–471). At that time, testimony was received from the Bureau of Indian Affairs (BIA) and from representatives of the Indian community colleges. Based upon concerns voiced at that hearing, the Subcommittee worked with members of the Indian community, the tribally-controlled colleges and the Administration on the formulation of reauthorization legislation.

On May 4, 1982, a hearing was held on a draft legislative proposal. The measure received support from Indian tribal leaders, Indian organizations and the schools involved. On May 25, 1982, H.R. 6485 was introduced by Mr. Simon, the Subcommittee Chairman, with cosponsorship by 14 members of the House. It was referred to the Subcommittee on Postsecondary Education. The Administration testified in opposition to the draft bill. Several of their stated concerns were addressed in H.R. 6485.

On June 21, 1982, H.R. 6485 was unanimously reported by the Subcommittee to the full Committee. On July 27, 1982, it was ordered reported by the Committee on Education and Labor (House Report 97-736).

The major thrust of the amendments is clarification of congressional intent and simplification of administrative procedures. The twin objectives were accomplished by simplifying the definition of eligibility and the formula for fund distribution. Current legal requirements regarding full and part-time students created problems within the Bureau of Indian Affairs. The amendments for providing technical assistance, providing planning grants and assessing institutional eligibility to receive funds also were meant to address administration or fiscal problems. In the years not covered by the Omnibus Budget Reconciliation Act of 1981, provisions were made to raise the maximum per capita payment amount, consistent with the cost of living. To place Indian institutions on an equal and fiscal planning basis with non-Indian institutions (funded under the Higher Education Act of 1965), a provision was made for forward funding. Finally, congressional policy on the basis for this program was explained.

In addition to the amendments to the current program, two important new facets have been added. Responding to the critical need and physical plan conditions existing on reservations, a new authorization for construction funds was included. This section also provided for a construction (or renovation/alteration) needs analysis. Also, to encourage the fullest possible utilization of the private sector, there was a provision for a permanent endowment fund. Both of these provisions require tribal effort in the form of matching requirements.

The Committee bill passed the House on December 17, 1982, after being amended to delete the construction/renovation and endowment sections, and following Senate action on S. 2623 on December 16, 1982. Conferees met on December 17, 1982 and reported S. 2623 with amendments in a form almost identical to the original bill, H.R. 6485, as reported by the Committee. The Conference Report was adopted by the Senate on December 19, 1982 and in the House on December 20, 1982.

Teacher Preparation

On September 9 and 10, 1981, the Subcommittee held oversight hearings on the issues of attracting students to the field of education, the preparation of students of education and retention of quality teachers in our nation's school systems. Witnesses included representatives of the Department of Education, the National Institute of Education, deans of schools of education, state department of education officials, the National Education Association, the American Federation of Teachers and teachers themselves in various stages of their careers.

There was a consensus that the continued emphasis and goal of quality education is tied to the quality of the teaching professional. Standardized test scores have plummeted for college students choosing to enter the teaching profession, and initial data from two states suggest a correlation between high National Teacher Examination scores and teachers leaving their profession. While it was clear that there is no direct connection between test scores and qualities that make a good teacher, certain basics were established such as communication skills, competency in subject matter and in-service training. The deterrents to students who might want to teach were also clearly presented: low pay, threats against a teacher's physical well being and lack of opportunity to grow in the field.

In response to the information and recommendations made in the 1981 Subcommittee hearing, two additional hearings were scheduled to consider legislation calling on states to establish State Commissions on Teacher Excellence. H.J. Res. 429 would call on states to evaluate their systems of teacher training, certification and retention.

On February 23 and May 19, 1982 the Subcommittee heard representatives from schools of education, state boards of education, state licensing boards and local school districts testify further on the problem, the jurisdiction of government in teacher preparation and licensing and on what appropriate federal action could be taken. Most witnesses were supportive of H.J. Res. 429 as it represented a federal focus on the problem without interference with state and local jurisdictions. There were questions concerning the establishment of Commissions as added layers of bureaucracy, and the need for more direct federal involvement in areas such as funding inter-state meetings and conferences so that exemplary programs could be disseminated to all states. The overwhelming majority of those who spoke about the problem of teacher excellence, supported the resolution as a first step in collecting state-by-state statistics and patterns and receiving recommendations from states on future actions whether they be federal or kept entirely at the local level.

H.J. Res. 429 was reported by the Subcommittee and full Committee on Education and Labor by voice vote, but failed under suspension of the rules on December 13, 1982 by a vote of 225 to 153.

Concurrent with the Subcommittee's focus on teacher excellence was concern about shortages in particular fields such as science and mathematics. During the May 19, 1982 hearing, the Director of the National Science Foundation pointed out the particular problems of attracting and retaining qualified teachers of math and science at the elementary and secondary level. Just one example is that there are more school districts in this nation than there are secondary physics teachers. While this problem would be addressed in general by H.J. Res. 429, specifics of math and science training were the subject of legislative hearings held by the Elementary, Secondary and Vocational Education Subcommittee jointly with the Postsecondary Education Subcommittee. The legislation under consideration was both H.R. 6775 and H.R. 6674. Together, they provide general aid to school districts and loan forgiveness provisions for students of education concentrating in math and science who pursue a career in teaching. The magnitude of the problem was made clear and the Subcommittee will pursue consideration of a postsecondary bill to encourage math, science and technical training as well as encourage teaching professionals early in the next Congress.

Truth-in-Testing Legislation

The Subcommittee on Postsecondary Education and the Subcommittee on Elementary, Secondary and Vocational Education held joint hearings on H.R. 1662, the Educational Testing Act of 1981. The hearings were held on July 21 and 22 and November 4 and 5, 1981.

H.R. 1662, as introduced by Representative Ted Weiss, required that certain information be provided to individuals who take standardized admissions tests and required the Secretary of Education to collect certain information regarding such tests and their costs. No action was taken by the Subcommittee because the testimony of the principal witnesses suggested that significant steps were being taken by test producers to effect disclosure of tests to test takers. Therefore, federal legislation was not necessary at that time.

OVERSIGHT AND INVESTIGATIVE ACTIVITY

Adult illiteracy

On September 21, 1982 and December 2, 1982, the Subcommittee on Postsecondary Education held oversight hearings on the problem of adult illiteracy. Witnesses included the Secretary of Education, Terrel Bell, a representative of the United States Army and several private citizens involved in a wide range of literacy programs. According to the testimony presented, there are 25 million Americans who cannot read or write at all and as many as 72 million Americans who are functionally illiterate (reading at or below the fifth grade level). Additionally, 47 percent of all Black 17 year olds and 56 percent of all Hispanics are functionally illiterate. Several programs were described as being effective in teaching literacy skills, but none were broadbased enough to reach the large numbers of illiterate people. It was the consensus of the witnesses and the Subcommittee Members that combating illiteracy should be a federal priority and that a partnership between the federal government, state governments and the private sector would be necessary to address the problem. No legislation was introduced but hearings are expected to be continued in the 98th Congress.

Arts and humanities

Within the context of budget impact hearings, the National Endowment for the Arts, the National Endowment for the Humanities and the Institute of Museum Services were the focus of two series of hearings—February 25, 1981 (Washington, D.C.), March 2, 1981 (New York City), March 4, 1981 (Washington, D.C.), and March 5, 1982 (New York City). The Subcommittee heard from constituents of these agencies including performing companies, state arts and humanities councils; patrons of the arts, corporate officers, and the chairmen and Director of the agencies which make up the National Foundation on Arts and Humanities.

The conclusions of the hearing were clear: reductions in the budgets of NEA, NEH and IMS would have a far reaching impact on the community of artists and academics, and also on those who have had an opportunity to experience the culture of our nation and the world through Foundation supported activities such as public broadcasting specials, touring museum exhibitions, community outreach programs in the arts in schools and senior citizen centers and local exhibits highlighting regional and ethnic cultural heritages. Private philanthropists and corporate donation officers testified that there were no resources from the private sector to make up proposed budget cuts in federal arts, humanities and museum services. The Subcommittee also heard testimony on the impact of the arts on the economy. For example, in New York, for every dollar expended on the arts, at least four additional dollars is spent in the local economy for such things as transportation, hotels, restaurants and merchandise. We were told the arts are good business, and many states rank cultural attractions or tourism as one of the major industries.

The proposed budget cut for federal arts and humanities agencies in fiscal 1982 was fifty percent. In the Administration's fiscal 1983 proposal, the cuts were almost as severe, averaging about forty percent. Testimony in 1981 and 1982, received both in Washington, D.C. and New York City strongly opposed cuts as much for their statement of federal priorities as their impact on accessibility of arts, humanities and museums to the public not only in major metropolitan areas, but rural areas as well.

College endowments

The Subcommittee on Postsecondary Education held an investigative hearing into the question of the status of college endowments and what role, if any, the federal government might play in assisting smaller colleges to initiate or enhance its institutional endowment. Witnesses representing a wide variety of small, private colleges and the private sector presented excellent testimony.

The Subcommittee intends to continue its exploration of the problem in the 98th Congress and to propose legislative amendments to the Higher Education Act to address this issue.

Foreign language and international studies

The Subcommittee on Postsecondary Education held a series of three hearings on H.R. 3231, the National Security and Economic Growth Through Foreign Language Improvement Act. The hearings were held on July 14 and 15, September 25 (New Haven, Connecticut), 1981. The purpose of the bill was to provide grants to states to fund model foreign language programs in local school districts and in community colleges. It also offered incentive grants to colleges and universities based upon their foreign language course enrollments. Finally, the bill offered direct grants to colleges and universities, based upon their total enrollments, if they had a two year foreign language entrance or exist requirement. Witnesses at the hearings testified as to the need for foreign language study in the United States. Admiral Bobby Inman, Deputy Director of the Central Intelligence Agency (CIA) testified that: "the foreign language capability of our country is poor and getting worse." Admiral Inman added that this failure presents "a major hazard to our national security."

Other witnesses at the hearing included Major General Richard Larkin, Deputy Director of the Defense Intelligence Agency; Craig Wilson speaking on behalf of the Secretary of Defense; John McDougall, Executive Vice President for Ford Motor Company; and the Vice President of Corporate Affairs, Philip Morris International, Andrew Whist. These and other witneses underscored the serious situation that is developing in this country because of the lack of competency in foreign languages. Nearly every facet of society is affected, from national security to international trade.

H.R. 3231 was introduced by Representatives, Simon, Coleman, Perkins, Ford of Michigan, Weiss, Peyser, Erdahl, DeNardis, Panetta and Oberstar in the House of Representatives on April 10, 1981 and referred to the Subcommittee on Postsecondary Education and the Subcommittee on Elementary, Secondary and Vocational Education. On October 7, 1981 the Subcommittee on Postsecondary Education met in open legislative session and reported H.R. 3231 with an amendment to the Committee on Education and Labor by a voice vote. On October 20, 1981, the bill was ordered reported by the Committee on Education and Labor by a vote of 21–9. The bill died in the Rules Committee. No floor action was taken on the legislation.

The Subcommittee on Postsecondary Education held a joint hearing with the House Foreign Affairs Subcommittees on International Security and International Operations on July 21, 1982. The joint hearing was held on H.R. 5088 and H.R. 6182, which would establish a United States Peace Academy. Both bills similar to S. 1889 which is pending in the Senate, would provide funds to study and prepare the Nation for peace.

In addition to Senator Jeremiah Denton, chief Senate sponsor of S. 1889, the Subcommittees also heard from Senator Matsunaga (D. Hawaii) and Representative Dan Glickman of New York as well as a representative of the Foreign Service Institute and other excellent witnesses.

Hispanic access to higher education

Problems of Hispanic communities in postsecondary education were the focus of a Subcommittee hearing on September 16, 1982. Witnesses included two and four year college presidents with significant Hispanic student body populations, representatives of Hispanic higher education organizations and an Hispanic student who has received assistance through existing Federal programs for low income and minority youth.

Among the findings of the hearing: (1) the proportion of school aged youth from the Hispanic communities is growing, and will continue to grow through the end of this century; (2) Hispanics have the highest school drop out rate at the elementary and secondary level of all groups of students; (3) Hispanics who do pursue higher education are concentrated in two-year institutions; (4) Hispanics receive a disproportionately low number of postsecondary and graduate degrees (for example, 8 percent of the U.S. population in the age group 18–34 are Hispanic, but only 1.2 percent of graduate degrees are awarded to Hispanic students); and (5) Hispanic students are much more dependent on federal student aid and services in comparison to both their Anglo and Black counterparts.

The Subcommittee plans to continue to pursue the issue of Hispanic access to higher education, as the problem can only grow more severe. Both the efficacy of existing federal student programs and possible new initiatives will be explored.

Libraries

Library Services and Construction Act (LSCA)

During the 97th Congress, the Subcommittee on Postsecondary Education held six oversight hearings on the Library Services and Construction Act in preparation for reauthorization for the Act. The hearings were held in Washington, D.C. on September 15, 1981; New Haven, Connecticut on September 25, 1981; Cleveland, Ohio on October 19, 1981; Kansas City, Missouri on November 9, 1981 and San Francisco, California on December 6, 1981. Additionally, a hearing conducted by the National Commission on Libraries and Information Sciences held in Detroit, Michigan on September 18, 1981 was attended by staff of the Subcommittee and entered into the record.

Over two hundred witnesses either testified at the hearings or presented written testimony for the record. In all cases there was enthusiastic support for LSCA programs. There was also a number of suggestions for expansion and improvement of the Act. The areas most often cited for change included capping the amount of funds which state libraries could use for administrative costs, provide library services to Indian tribes, expanding the resource sharing provisions of the Act, and encouraging funding for construction provisions which have not been funded for ten years. Throughout the hearings one theme reoccurred—the scope of the Act should be changed from the original goal of providing libraries in all geographical areas to providing access to library services to all populations and to strengthening the role of the library as a community information center. Many of the current uses of LSCA funds fit in appropriately with the new scope. For example, numerous witnesses described LSCA programs that were focused on teaching literacy skills to adults, providing unemployed persons with assistance in job finding and providing necessary assistance to the elderly to ensure that they have access to library services.

No legislation has yet been introduced. However, a bill will be introduced at the beginning of the 98th Congress which will encompass the comments received during the oversight hearings.

Impact of budget cuts on libraries

The Subcommittee held two hearings on the impact of proposed budget cuts on libraries. The first, held on April 15, 1981, was a joint hearing with the Subcommittee on Elementary, Secondary and Vocational Education. Witnesses covered the problems facing elementary and secondary school libraries, college libraries, and public libraries. The Reagan Administration had requested that school libraries become part of the elementary and secondary education block grant;

that only research libraries and training programs be funded at the college level; and that LSCA programs be reduced by twenty-five percent. Witnesses testified to the fact that even at current funding levels, libraries were falling behind in their ability provide materials and services. While library funding had remained constant for several years, inflation had increased the costs of everything libraries had to pay for: books, periodicals, maintenance, utilities, and salaries. In terms of making school libraries a part of the education block grant, witnesses testified that it would jeopardize the integrity of elementary and secondary school libraries and in many instances would lead to no monies being spent for library materials.

The Subcommittee held a second budget impact hearing on March 10, 1982. During that hearing, funding for LSCA, college libraries (Title II of the Higher Education Act of 1965, as amended), and the National Commission on Libraries and Information Sciences was discussed. The Administration had recommended no funding for any library programs for fiscal year 1983. Furthermore, fiscal year 1982 funding was impounded by the Administration for more than six months. Witnesses pointed out the vital role of libraries in providing information to the public as well as the absolutely essential need for adequate libraries on higher education campuses. There was general agreement that it would be impossible for most libraries to continue if all federal monies were eliminated. There was just not enough money available from local and state governments and private sources to fill the gap.

No legislation directly resulted from the library hearings; however, for the most part, the funding levels for the programs were maintained. LSCA received only a four percent reduction, as did college libraries. Unfortunately, elementary and secondary libraries were placed in the educational block grant.

National Commission on Libraries and Information Sciences (NCLIS)

On September 21, 1981, three NCLIS commissioners received notices that they were being removed from the Commission. There was a serious question as to whether the President had the legal authority to remove commissioners. Commissioners were appointed for a specific time period and did not, according to enacting language, "serve at the pleasure of the President". On April 27, 1982, the Subcommittee held a hearing on the legality of the President's action. The witnesses pointed out that the President's action was not only of questionable legality but it also had a negative effect on the ability of the Commission to function. As Dr. Frederick Burkhardt stated:

> We must vigorously oppose any precedent which would make it easy to embark on wholesale replacement of incumbents in positions whose nature and function require freedom from executive interference.

No legislative activity resulted because the question became moot when none of the Commission replacements were confirmed until after the terms of those they replaced expired.

Title III, institutional aid

The Subcommittee on Postsecondary Education held an oversight hearing on November 12, 1981 regarding the Notice of Proposed Rule-making (NPRM) affecting the Title III, Institutional Aid program, published on July 20, 1981. The NPRM was intended to obtain public comment on proposed new rules implementing the new Title III law enacted as part of the Education Amendments of 1980 (Public Law 96-374). The effective date of the statutory changes was not published until August 1, 1981 to allow the Department of Education time to draft regulations consonant with the new law. These new regulations would affect Title III grants for the 1982-83 school year.

The hearing was necessitated by the failure of the proposed rule to properly interpreted congressional intent under the new law, and in some cases extended the Secretary's regulatory authority. The Under Secretary of Education, college and university presidents, and other interested parties testified regarding the appropriate statutory parameters and other problems with the published rule. As a result of the hearing and direct negotiations by Chairman Simon and the Under Secretary, the proposed rule was substantially modified before publication as a Final Rule on January 5, 1982.

Title IX, sex equity in education

On March 12, 13 and 19, 1982, the Subcommittee held hearings on the enforcement policies of the Department of Education as reflected in Department of Justice actions concerning Title IX of the Education Amendments of 1972. Title IX assures equal opportunity for students regardless of gender in schools receiving federal financial aid.

The impetus for the Subcommittee hearings on Title IX was the Department of Justice's decision not to appeal the *Grove City College* vs. *Bell* case on the basis of the federal program of Guaranteed Student Loans constituting federal financial aid for the purpose of enforcing Title IX. While the topic was focused on the policy of enforcement based on the redefinition of federal financial aid, the entire policy of civil rights enforcement by the Department of Education through the Justice Department was brought into question.

The Subcommittee heard witnesses including Secretary of Education, Terrel Bell, Assistant Attorney General W. Bradford Reynolds and various attorneys in the private sector who have been involved in Title IX legislation and implementation.

Based on internal documents from the Department of Education on student aid and civil rights policies, and testimony from the Department of Education and Department of Justice, civil rights organizations and private attorneys, it was clear to the Subcommittee that the policy of inclusive interpretation of civil rights statutes, including Title IX, was not being pursued in the courts by the federal government. The specific issues of what constitutes federal financial aid and the program specificity of Title IX (and, by implication, other statutes including Title VI of the Civil Rights Act and Section 504 of the Rehabilitation Act) have yet to be resolved in court. In various cases from Texas to Michigan to Pennsylvania to Virginia, district courts have split in their interpretation of Title IX coverage. The Supreme Court has yet to rule on these issues, but is expected to have several cases brought before it either this session or next.

The Subcommittee, while questioning the interpretations of both the Departments of Education and Justice, felt it premature to draft corrective legislation on civil rights enforcement while cases are pending before federal appeals courts and while it is extremely likely that the issues will be brought before the Supreme Court. The Subcommittee has urged re-evaluation of the position of the Departments of Education and Justice and is prepared to respond to court interpretation if necessary to ensure that the legislative intent of inclusive coverage of Title IX is enforced.

Student financial assistance

The Subcommittee on Postsecondary Education held seventeen oversight hearings on student financial assistance during the 97th Congress. These hearings covered the following topics: the impact of the President's budget requests for fiscal years 1982 and 1983 on student financial aid programs; student loan collection efforts; reports from the Department of Education's Office of the Inspector General and the General Accounting Office (GAO); application fees for student financial assistance, veteran eligibility for Pell Grant awards; and the current status of student financial assistance programs on campuses.

Budget impact hearings

President Reagan's fiscal year 1982 budget recommendations called for major changes in the Pell Grant and Guaranteed Student Loan (GSL) programs. The specific recommendations for the Pell Grant program included:

Families be required to increase their contribution toward education costs through changes in the Family Contribution Schedule;

In 1982, the assessment rate of a family discretionary income—used to estimate funds available for education—be raised from 14 percent to 20 percent.

Students be required to contribute more toward educational costs through a $750 "self-help" expectation which will be used in calculating the amount of eligibility for grant aid. The $750 could come from earnings from part-time employment, savings, or loans.

Allowable educational cost components be tightened through revised regulations and new legislation.

Administrative allowances for institutions be eliminated.

The fiscal year 1982 Administration budget called for the following reductions in the GSL program:

Student loan amounts be limited to the amount of need for educational costs remaining after deducting all other aid and an expected family contribution (as determined by the single needs analysis required for all federal aid programs).

The special allowance provided to lenders for the new parent loan program be eliminated. Instead of receiving a special allowance subsidy to bring the guaranteed minimum lender yield to the prevailing market rate (currently the combination of the nine percent borrower interest plus the special allowance, about 17 percent), lenders will be allowed to set the parent loan interest at the market rate. Parents would repay the interest and principal over a period of up to 20 years. The parent loans would still be guaranteed by the federal government.

The current in-school interest subsidy for student loans, which the federal government pays the lender until the student begins to repay the loan, be eliminated. Instead of receiving a federal sub-

> sidy while the student is in school, or a deferment or grace period, the lender will be allowed to add the student borrowers' accruing interest to the principal amount. Alternatively, the lender can require the nine percent interest to be paid by borrowers as it accrues. The student loans will still be guaranteed by the federal government which will continue to pay the special allowance to lenders of student loans.
>
> Administrative allowance for institutions would be eliminated.

In response to the President's proposals, the Subcommittee held hearings on February 24, 26, March 6 (Carbondale, Illinois), and March 11, 1982. Witnesses included Senator Claiborne Pell, Representative Shirley Chisholm, Alice Rivlin, Director of the Congressional Budget Office, university presidents, and representatives of student organizations and the higher education community. The testimony from the witnesses was clear: if the President's budget cuts were enacted, student financial assistance would be devastated and the hopes of many students would be crushed. Bill Lash, a Yale University student, summarized the situation that would result:

> The Middle class student attending an independent institution will be caught in a Catch-22 type of bind. He will be unable to afford to attend the college that he has chosen due to a lack of money, but he finds his family makes too much money to qualify him for the aid he needs to attend the college he cannot afford.

An oversight hearing on the effect of the Administration's budget reductions was also held on October 15, 1981. Presidents and chancellors from 32 colleges and universities testified that their schools and students were already suffering from budget cuts and if the new proposals (the President had introduced in September 1981) were to take effect, thousands, if not millions of students would be the victims. As Dr. James Vickery of the University of Montevallo, Alabama stated:

> It seems to me it all boils down to this: The administration has opened up its own window of vulnerability on the five federally funded student aid programs in the name of economy. As a result of that educational casualties are lining up around the country. It started this fall and next fall, depending on how one wants to project the statistics, that line could be a million people long nationally and would include over 13,000 students lost to higher education because of a lack of funding in my native State of Alabama alone.

The Reagan Administration's proposed fiscal year 1983 budget which was announced in February, 1982, was even more sparse for student financial aid programs. That budget called for eliminating the National Direct Student Loan (NDSL) program, Supplemental Educational Opportunity Grant (SEOG) program and the State Student Incentive Grant (SSIG) program, reducing the Pell Grant program by more than $1 billion and reducing the College Work Study (CWS) program by more than $100 million. In the Guaranteed Student Loan (GSL) program the budget called for major legislative changes which would: increase the origination free from 5 to 10 percent; extend the needs analysis to all income levels; eliminate graduate student borrowing under the GSL prorgam; force students to assume the special allowance payments two years after they leave school; increase insurance premiums from ¼ to 1 percent; charge guarantee agencies a reinsurance premium equal to one-half of their insurance premium income. The Subcommittee held three hearings to investigate the impact of these proposals. They were held on March 2, March 3, and March 5, 1982. Witnesses included officials from the Administration, college presidents, students, and representatives of the higher education community. With the exception of the Administration officials, they all agreed that the budget proposals would make a postsecondary education impossible for a great many students—only the very rich and the very poor would be able to afford to go to college. The Chief Executive Officer of PepsiCo testified that reducing student aid as proposed would eventually have very negative effects on all of society because of the shortage of well trained and educated young people coming into the job market.

The budget impact hearings did not lead directly to legislation, but they did provide the basis for the Subcommitee's recommendations to the Budget Committee. For the most part student financial assistance programs were maintained at current spending levels.

Loan collection

On March 19, 1981, the Subcommittee held a hearing on the Department of Education's decision to turn over collection of defaulted student loans to private collection agencies. Those loans had previously been handled by employees of the Department. The Subcommittee was concerned that private agencies would not be as effective as the Federal collectors and that they might use methods of harassment in their collection efforts. The Department had compiled an excellent record in collecting on defaulted loans. Witnesses for the hearing included: Representatives James Jeffords; John C. Yazurlo, the Acting Inspector General for the Department of Education; Thomas Butts, former Deputy Assistant Secretary for the Department of Education; and representatives of Booz Allan and Hamilton, a consultant firm that had completed a study on loan collections for the Department. Mr. Butts and Mr. Yazurlo expressed concern that the method of transferring the collections effort to the private sector was not fully in line with standard operating procedures. Mr. Butts further stated that he did not believe that the private collection agencies would operate as effectively as the Federal government. Although no direct legislation resulted from the hearing, the Subcommittee has monitored collection efforts since the transfer and receives frequent reports on the effectiveness of the private collection agencies. Thus far it has not been possible to tell if the private collectors will be able to maintain the same level of collection activity as the Department collectors did.

The Subcommittee has also held hearings on the collection of NDSL loans by colleges and universities and has reviewed regulations promulgated by the Department to stiffen institutional eligibility requirements for receiving NDSL monies. On February 3, 1982, General Accounting Office (GAO) representatives testified that there was over $730 million in defaulted NDSL loans and that stronger actions were needed by colleges and universities to recover those monies. On August 2, 1982, the Department of Education published final regulations which eliminated over 500 schools from eligibility to participate in the NDSL program. In order to qualify for monies under the new regulations, institutions had to have a default rate of less than 25 percent.

In order to receive full awards, an institution would have to have a default rate of under 10 percent. Many institutions thought the new regulations were unfair because they did not take into consideration efforts on the part of institutions to reduce defaults. In some cases schools had reduced their default rates by more than 25 percent in the period of one year, but they were still ineligible for awards because their overall default rate was still above 25 percent. Under previous guidelines, they would have been eligible. The Subcommittee held a hearing on the regulations on August 19, 1982. Witnesses from colleges and universities testified that the lateness of the regulations—many schools had already started classes—and the fact that no provisions were made for institutions who were exercising great efforts to reduce default rates were undue hardships that would not only hurt institutions but would also force many students to withdraw from school because they would not be able to find adequate financial help so late in the year. No legislation resulted from the hearing but the Subcommittee is monitoring the impact of the regulations on institutions and the enforcement of the regulations by the Department of Education.

Reports from the Office of the Inspector General and the General Accounting Office

On January 27 and February 3, 1982 the Subcommittee held hearings at which the Inspector General for the Department of Education and representatives of the General Accounting Office (GAO) testified. The Inspector General concentrated on the following issues: audits in the Pell Grant and GSL programs, reviews of the campus based programs, and audits leading to indictments of individuals that were thought to have fraudulently applied for and received student aid. During questioning of the Inspector General it was brought out that although there were a number of cases that led to indictments, most did not involve students, but rather institutions or program administrators. As a result of the audits conducted by the Inspector General's Office 58 indictments had been returned and $25.3 million had been disallowed in expenditures.

The GAO testimony focused on academic progress standards, NDSL defaults, and a redesign of the GSL information system. GAO had recently completed studies on all three. The report on academic progress came under close scrutiny by Subcommittee members because it was centered in limited geographic areas and concentrated on institutions known to have difficulties and large number of poor and minority students. The members indicated that they felt that the results were therefore biased and misleading and should not be used as a basis of evaluating institutional control of academic progress standards or setting public policy on the issue.

Student Loan Marketing Association (SLMA)

On February 4, 1982 the Subcommittee held an oversight hearing on the Student Loan Marketing Association. The witnesses were Edward Fox, president and chief executive officer for the association, and Clyde Ingle, executive director of the Minnesota Higher Education Coordinating Board. Mr. Fox gave a general overview of how SLMA operated and the amounts of capital being provided for the GSL program by SLMA. Mr. Ingle expressed serious concerns that the newly expanded powers of SLMA to become a prime lender in areas where there were no lenders represented a threat to state guarantee agencies. Mr. Fox disagreed, stating that SLMA's only purpose in using the new authority would be to ensure that students could get loans in areas where there were no lending facilities willing to make them.

Social security student benefits

On February 3, 1982 the Subcommittee on Postsecondary Education and the Subcommittee on Elementary, Secondary, and Vocational Education held a joint hearing on the impact of the statutory changes in student social security benefits. The Omnibus Reconciliation Act of 1981 had eliminated social security benefits for any student entering postsecondary education institutions after May 1, 1982. In response to that change in law a number of bills had been introduced which would extend the cut-off-date or eliminate the provision altogether. Witnesses included Representatives Pat Williams, Harold Volkmer, and Gerald B. Soloman, all of whom had introduced legislation to alter the Reconciliation Act mandates. Also testifying were representatives of the Social Security Administration, a college president, and a parent and student affected by the law. The testimony pointed out that not only was the change in the law a hardship for students and parents, but the manner in which it was handled had led to confusion in the higher education community. Students were not notified that they would not be receiving the benefits and many had based their college plans on receipt of the Social Security monies.

None of the legislation reached the floor for consideration and the provisions did take affect on May 1, 1982.

Veteran benefits and Pell Grants

On August 4, 1982 the Subcommittee on Postsecondary Education and the Veterans Subcommittee on Education, Training and Employment held a joint hearing on Veterans' eligibility to receive Pell grant awards. The Continuing Appropriations bill on December 15, 1982 had altered the way in which veterans' eligibility for Pell Grant awards were calculated. As a result most veterans were no longer eligible for Pell Grants. Witnesses from the Department of Education testified in favor of the new requirements but representatives of veterans groups and veterans attending postsecondary education institutions testified that the change would force many veterans to be unable to continue their college education.

Although no direct legislation resulted from the hearing, when Public Law 97-301, the Student Financial Assistance Technical Amendments of 1982 was under consideration, a provision was added restoring Pell Grant eligibility to veterans for the 1982-83 academic years and for all successive years.

Other higher education programs

During the series of oversight hearings conducted by the Subcommittee witnesses with knowledge and expertise in other higher education programs also testified. At the March 5, 1982 New York hearing held by the Subcommittee, in addition to student financial assistance, witnesses were asked to comment on the status and the impact of the recommended budget reductions on the TRIO programs, the Veterans Cost of Instruction Program, International Education Programs, and the Graduate and Professional Opportunities Program. Although the programs differ significantly in the populations they serve and the way they are administered, there was a common theme in the testimony. All the programs were operating at reduced levels from previous years, and any further reductions would result in serious damage to program integrity. The results of the hearings were used in making recommendations to the Budget Committee.

REPORT OF THE ACTIVITIES OF THE SUBCOMMITTEE ON LABOR STANDARDS DURING THE 97TH CONGRESS

GEORGE MILLER, *Chairman*

PHILIP BURTON	JOHN N. ERLENBORN
PAT WILLIAMS	MILLICENT FENWICK
WILLIAM R. RATCHFORD	MARGE ROUKEMA
AUSTIN J. MURPHY	EUGENE JOHNSTON
DALE E. KILDEE	WENDELL BAILEY
CARL D. PERKINS, Ex Officio	

MICHAEL L. GOLDBERG, *Counsel*

The jurisdiction of the Subcommittee on Labor Standards, as established by the rules of the Committee on Education and Labor encompasses broadly, the statutes and programs which concern the standards governing working conditions in the United States. These include the Davis-Bacon Act, the Walsh-Healey Act, the Fair Labor Standards Act (including child labor), workers' compensation generally, and the Longshoremen's and Harbor Workers' Compensation Act and the Federal Employees' Compensation Act specifically, and the Farm Labor Contractors' Registration Act.

1. Fair Labor Standards Act

During the 97th Congress, the Subcommittee held four days of oversight and two days of legislative hearings relating to the Fair Labor Standards Act. The oversight hearings focused on the proposals by the Secretary of Labor, to eliminate current regulations which prohibit industrial homework, and to amend the current regulations dealing with the employment of 14 and 15 year old children. The Subcommittee's oversight activities resulted in a bill, H.R. 6103, to enhance the enforcement sanctions of the Fair Labor Standards Act. After two days of legislative hearings, that bill was favorably reported by the Subcommittee on May 19, 1982. The bill, with an amendment, was ordered reported by the Committee on Education and Labor on June 16, 1982, and was reported on September 30, 1982.

SWEATSHOPS AND WAGE AND HOUR ENFORCEMENT

On May 5, 1981, the Secretary of Labor published, in the Federal Register, a proposal to revoke the regulations which prohibited the use of industrial homework in several industries, generally in the needle trades. These regulations, which had been in existence, largely intact, since the early 1940's, were the result of an acknowledgment that it was virtually impossible to enforce wage and hour standards when the labor was performed in workers' homes. The Subcommittee scheduled its hearings on the Secretary's proposal to repeal the prohibition on industrial homework, largely because of the concern of pinpoint when such modifications should be reflected in the costs. Another high maintenance item covered by this account is the clinker grinder. According to some plant personnel, the rebuilding of these grinders approaches a full-time job. The costs charged to this account are accumulated on a plant-wide basis.

Acct. 175.4, Fly Ash Recovery and Storage System (C, G, K)

As the name explicitly states, the equipment whose maintenance costs are collected under this account, recovers and stores fly ash for possible further application and/or sale. This particular type of system is limited to three TVA plants.

Acct. 175.7, Ash Handling Conveyor System (P)

Under this account, established in 1970, are collected the costs associated with maintaining the ash conveying system which services all three units at the Paradise Plant.